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NATIONAL MUNICIPAL REVIEW

1921

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NATIONAL MUNICIPAL REVIEW

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VIEWS AND REVIEWS

Women Seize Control Yoncalla, Oregon, a city of 250 population, wakened to find their women had sized up a weak situation, had taken a firm hold on things, and finally proved at the polls what organization will do. The result was the election of a woman mayor and a complete feminine council. If Mrs. Mary Burt, mayor elect, can as successfully organize and carry out her plans for reform government, we can vouch for the men of Yoncalla becoming students of government—and politics.

◆

Zoning Ordinance Fails on Referendum The zoning ordinance passed last summer by the city council of Portland, Oregon, met defeat on referendum at the November election. The majority against it was 546. Indications are that the social merits of zoning were not understood and that leaders of the movement failed to educate the rank and file of the electorate on its meaning. Although the ordinance was the result of eighteen months of careful study and more than 150 neighborhood conferences; although it applied only to new building and embodied the principal features of ordinances in Los Angeles, St. Louis and New York, the people turned it down. Pacific coast cities have taught us to expect better things.

202 City Managers During the year 1920 more than forty cities have been added to the list of American municipalities operating under, or pledged to some variety of the city-manager form of government, making the present total 202. Not a single city which has adopted the plan by vote of the people has yet given it up, although a few towns which have attempted to create the position of manager by local ordinance have discontinued the experiment. Among the cities recently added to the list by adoption of commission-manager charters or charter amendments are: Pasadena, California; Colorado Springs, Colorado; West Hartford, Connecticut; New Smyrna and Tampa, Florida; Brunswick and Decatur, Georgia; Winfield, Kansas; Mansfield and Middleboro, Massachusetts; Bay City and Pontiac, Michigan; Lima, Ohio; Cherokee and Duncan, Oklahoma; and Radford, Virginia. Towns which have created the position by ordinance within the past two or three months are: Orange City and Shenandoah, Iowa; Crowley, Louisiana; Crisfield, Maryland; and Vicksburg, Michigan. The smallest city having a standard commission-manager charter and a full-time paid manager is McCracken, Kansas, with a population of 371, with L. L. Ryan as manager. The largest city is Akron, Ohio, population 208,435, with W. J. Laub as manager.

H. G. O.

✣

County-Manager Charter Loses The county-manager charter for Baltimore County (adjoining Baltimore city) was defeated by a decisive vote last November. The proposed charter, described in detail in the August REVIEW, delegated control over county administration to a manager chosen by an elected council of fifteen. The analogy of the city-manager plans was followed, except that the manager's appointing and removing powers were limited.

The new charter was bitterly opposed in political circles and by the office-holders, and it is said that many taxpayers were alarmed lest the new government might disturb existing assessments. The ostensible ground of opposition centered largely around the possible illegality of abolishing the county commissioners—a question which the charter board felt that it had fully studied and considered.

The whole incident has been valuable to the general propaganda for improved county government, by giving to the literature of the movement an example of a county charter based on the county-manager principle, and reducing, to some extent, the novelty of the idea.

✣

The I and R in Oregon At the last general election in Oregon eleven measures—seven proposed constitutional amendments and four statutory measures—were submitted to the voters. Two of the amendments originated in the legislature, and one act of the legislature was referred by petition. The other measures were submitted through the initiative. With the exception of the initiative amendment extending the term of certain county officers, all of the measures good, bad, and indifferent were indiscriminately slaughtered at the election. The chief interest was in the single-tax amendment and the maximum four–five per cent interest amendment, both proposed by petition. The reappearance of a single-tax or near-single-tax measure at every election is the chief cause of intermittent agitation for "hog tieing" the initiative. But since this is entirely impracticable, conservatives comfort themselves from the fact that in the passing years the voters show an increasing tendency to reject initiative measures while they show more respect to measures originating in the legislature. There is even opinion that "that initiative and referendum law, like many other legislative and governmental experiments, has about run its course in Oregon and that use of its law will gradually die out." But, from a more liberal point of view, the recent indiscriminating conduct of the voters is regarded as due simply to the general reactionary tendency that has followed in the wake of the war.

J. D. B.

✣

A. P. R. Victory On November 30 the voters of Sacramento, California, adopted a new charter establishing a city manager government with council elected under the Hare system of proportional representation. Although the closing days of the campaign were strenuous the favorable majority was almost 7 to 1. The charter commission has expressed gratitude for the assistance rendered by the N. M. L. and our Model Charter. Indeed the framers stuck closely to the principles enunciated in this much used document. We are more and more convinced that our charter has earned the right to be called "model."

A GENERAL MANAGER FOR MONTREAL

BY W. J. DONALD

Managing Director, American City Consultants

With Proportional Representation—Council of Nine—Mayor Appointed By Council. :: :: :: :: :: :: :: ::

The ups and downs of municipal government in Montreal make rough riding. Legally and practically the Quebec legislature is supreme. It can amend Montreal's charter or the franchise of its public utilities at will. Practically it has done both. The tramways are now in the hands of a commission appointed by the province. The commission is a sort of benevolent autocracy and so far as the street railway franchises are concerned Montreal, her council and her people are treated as "wards."

However, popular opinion has it that Montreal was very badly governed by Mayor Mederic Martin and the Council. Therefore an "Administrative Commission" was appointed by the Quebec legislature to govern the city. The mayor and council remained in office—with practically no powers.

Subsequently the legislature appointed a charter commission to draft a new charter for the city—presumably with the expectation that the charter would be passed without further ado—an expectation which is certain to bring disappointment. There will be opposition at Quebec—delay—then possibly rejection.

The commission has chosen the following framework for the charter which is now being drafted:

1. *Complete home rule:* "The city of Montreal shall have all the powers now vested in the legislature of the province of Quebec as regards the administration of the said city, and the powers of the said legislature are to that end delegated to the said city." It may, however, be taken for granted that the Quebec legislature will not abdicate.

2. *Unicameral legislative body:* Mayor appointed by council from among its members!—"The city shall be governed by only one body to be known and designated as 'The Council' which shall have all the administrative and legislative powers to be conferred upon it by the charter." Montreal wants no more of divided authority. The "board of control" form of separation of powers and responsibilities is gone for good. There will be opposition to the idea of an appointed mayor but it is nevertheless a sound principle.

3. *One electoral district:* council of nine—proportional representation—four year terms! It must be remembered that Montreal has a peculiar problem. Two thirds of the population are French catholics. Seventy-five thousand are Jews. The rest are English protestants and Irish catholics. The Irish and French entertain a mutual antipathy towards each other, and the English and Jews have an influence unwarranted by their numbers. The council proposed is too small. Proportional representation would help but has small chance of final adoption. Combined with so

small a council (or better still a council of fifteen) and proportional representation, the single electoral district is good.

4. *General Manager!* The manager is to be appointed, suspended or dismissed by the council—"by majority vote"—"for cause." "He shall be chosen solely on the basis of his executive and administrative capacities." His powers are set forth at length. He would have powers of appointment over all heads of departments except the city clerk, city attorney and city auditor. His appointments could be rejected only by a majority vote of the whole council. The mayor would have only the functions of a dignitary.

The talk of Montreal is that there is no man living—whether French or English—who can govern Montreal.

The Chambre de Commerce is actively opposed to the proposals. Even forward looking citizens are pessimistic.

THE ANTITHESIS OF HOME RULE

BY IRA W. STRATTON[1]

Former Mayor of Reading, Pennsylvania

Reading must automatically abolish her present commission government and take up a new form with new corporate rights and duties simply because her population has reached 100,000. Her new form would be the same as that of Pittsburgh. :: :: :: :: ::

I

The Constitution of Pennsylvania, adopted in 1874, permits of the classification of cities. The act of May 23, 1874, provides for three classes. Since that time, the legislature sought to extend the number of classes of cities from three to five, and again to seven, but these acts were declared unconstitutional, it being held that the power of classification permissible under the constitution having once been exercised by the legislature in the act of 1874, it was not competent thereafter to extend the number of classes as originally fixed.

First Class Cities are those containing a population of one million or over (Philadelphia). Second Class Cities are those containing a population of one hundred thousand and under one million (Pittsburgh and Scranton). Third Class Cities are those containing a population under one hundred thousand.

II

The press bulletin from Washington, gives the population of Reading, Pa., as 107,784 for the 1920 census. When in the course of time these figures are officially transmitted to the state authorities, then becomes operative the Act of June 25, 1895.

> "Whenever it shall appear by any such census that any city of the Third Class has attained a population entitling it to an advance in classification, it shall be the duty of the Governor, under the great seal of the Commonwealth, to certify the fact accordingly, which certificate shall be entered at large upon the minutes of the council of such city, and recorded in the office for recording of deeds of the proper county. . . . At the next municipal election . . . the proper officers shall be elected to which the said city will become entitled under the change in classification."

A state constitutional amendment was adopted by vote of the people in 1909—which provides for all regular municipal elections to be held in odd numbered years. The next municipal election will therefore be in November, 1921, and the officers then elected will take office the first Monday in January, 1922. This date, under existing laws, will be the time when Reading, Pennsylvania, will become in fact a Second Class City of Pennsylvania.

The laws of Pennsylvania giving charter rights to cities of the second class differ in many respects from those of third class cities. In third class cities, the mayor and four councilmen meet as council and are clothed with legislative and executive power; each member also being head of a department. In second class cities, the mayor is not a member of council but he has full executive power, has the right of approval or veto of all legislation passed by council, and appoints, subject to the approval of council, all department heads. Council has all legislative power vested in it.

There are many other minor features of material difference. Unless care is exercised during the period of transition, the expense of operating a second class city will be very much greater than that of a third class city. A judicious interpretation with common sense application is highly necessary.

The law is clear about councilmen, their powers and terms of office, but acts pertaining to other officials are somewhat hazy. There is no outstanding precedent to follow: Pittsburgh and Scranton both went through the fire of the 1901 "ripper act," and it is hoped that Reading will escape a repetition of this disgraceful experience. It is possible that the legislature of 1921 will clear the atmosphere.

The legislature of 1919 proposed two amendments to the State Constitution. Should these pass the 1921 legislature and subsequently be approved by vote of the people, cities of Pennsylvania will be reclassified into seven classes and home rule given them. Such action may find Reading in the course of a few years again changed to another class.

PROPORTIONAL REPRESENTATION IN CALGARY

BY GEORGE V. FERGUSON

P. R. was first used in Calgary in 1917. It returns a well balanced council and grows more popular each year. :: :: :: ::

I

Calgary, with a population of some 70,000 inhabitants, is the largest city in Alberta. It is an important railroad and industrial centre, and, with its numerous grain elevators and warehouses is also the distributing centre for southern and central Alberta. The population consists of a fairly even balance of industrial workers on the one hand and business men, merchants and distributors on the other. There are 28,000 names on the municipal electoral lists, but of these, ten to fifteen thousand are non-resident property owners. Municipal business has been kept remarkably free from taint; the ward system was abolished some years ago; boss-ridden, machine-made politics do not exist; and there has been no suspicion of corruption in the conduct of affairs. Organization for the city elections is only partial, the only systematic organization being that of the Labor party.

The referendum on the introduction of proportional representation was passed in December 1916, by a vote of 2901 to 1344, and it came into force for the first time at the elections in December 1917. There were on that occasion, as there has also been at every subsequent election, only two candidates for the office of mayor, and the new system did not therefore affect it. A total aldermanic vote of 5189 was polled, and, as it happened, the candidates, who on the first count received the greatest number of first choice votes, were with one exception elected.

In the following year, all the candidates receiving the largest number of first choices were elected, although the subsequent counts made necessary to give the required number of candidates their "quota," brought about certain changes in the order of their election. This was again the result in 1919.

II

Very few objections have been raised against the new system. An inexperienced staff and the necessity of each ballot being scrutinized by the city clerk in person at first made the counting a long and tedious affair lasting well into the next day. Time has removed the first objection as the staff of assistants, now more experienced, have overcome the initial disadvantage under which they labored. Owing to the necessity of a uniformity of ruling as to the validity of doubtful ballots, it is still found necessary for the clerk to scrutinize every doubtful ballot. Every year, however, the voters understand the method better, and the number of spoiled ballots, at first considerable, is decreasing steadily.

The chief objection was psychological in nature: in 1917 and 1918 the ballots were printed with the candidates' names in alphabetical order. It was found that the first few candidates, whose names, by virtue of their initial letter, appeared at the top of the ballot sheet, were invariably elected by a very large number of first choice votes. The electors appeared to be unable to do otherwise than to number their preferences from the top of the sheet downwards. In 1919 this difficulty was overcome. The order of the names on the ballot sheet was so arranged that each name was printed at the head of the list on an equal number of ballots, *i.e.* the first one hundred ballots were printed with the names in order,—A. B. C.—X. Y. Z.; while the next hundred would be printed Z. Y. X.—C. B. A., and so on.

There have been no radical changes in the composition of the aldermanic council since 1917. Proportional representation may be considered to have proved itself to be satisfactory. In some other Canadian cities, the last few years have seen the Labor party in complete control of municipal affairs. Since its introduction in Calgary, the labor representation has increased slightly, while men who received support from every element in the community, have been elected to preserve a fair balance between the extreme opposing interests of the merchants and of the workers. This is as it should be in a town where these two elements are very evenly matched in strength. The result is that for the past three years Calgary has had a council which represents to the fullest extent possible the various constituent parts of the community.

CITY AND COUNTY CONSOLIDATION FOR LOS ANGELES

BY G. GORDON WHITNALL

THE city of Los Angeles, with its satellite cities and other areas contiguous, forms a metropolitan district. Within this area all communities are confronted with several common problems of which water supply is probably the most acute. This is followed closely by the question of sewage disposal and then on down the list of health administration, highway development, policing, railroad terminal facilities, harbor facilities, school administration, tax assessing and collecting etc.

CENTRAL ADMINISTRATION OF UTILITIES NEEDED

At present, and for all time, the water supply for this larger metropolitan area consists of the Los Angeles aqueduct supply and the rainfall on the surrounding watershed. The ultimate needs of the district cannot be met by either of these sources alone. Both sources, in fact, will be adequate only by the economic administration of the total available supply. At present the city of Los Angeles administers by far the greater volume of water supply over a major portion of the area within the district. Eventually, some form of central administration of this essential utility will be required both from the standpoint of economy and conservation. The same principles apply with equal force to the centralized administration of other common utilities and services, all of which, with few exceptions, are now cared for by many smaller units.

The result of these conditions, which have been recognized for years, has been a growing agitation for city and county consolidation. The situation in Los Angeles however has been particularly difficult in that complete consolidation by legislative or other enactment is impracticable by reason of the stupendous size of the county. To make all of Los Angeles county a municipality would doubtless result in as many drawbacks as the present condition. Complete consolidation in the accepted sense of the word, involves a partition of the county and at present the sentiment against that has prevented definite proposals.

BOND DISTRICTS A SUBSTITUTE FOR BOROUGHS

One other obstacle here, and probably in other places where separate autonomous municipalities exist in a given county, is the sentiment against loss of identity that might result from a pooling of interests under complete consolidation. A borough system of government hardly meets the needs as, within a given borough, the restrictions are as arbitrary as in a city at large. This problem has been partly met through the medium of a district bond act under which any given portion of the municipality can undertake any venture that the city as a whole would be permitted under law. Under this plan, it is possible, and has already occurred, that many districts within the city overlap. Each such district is coextensive with the limits within which a given undertaking is launched and in this way the initiation of sectional activity is made very flexible. There are several instances of districts originally separate municipalities but now part of Los Angeles, where, by reason of this local freedom, the individuality of the district is not only maintained, but increased, with the added advantage of central administration of the usual functions of government.

TENDENCIES TOWARD CONSOLIDATION

During the growth of sentiment that will make possible an "out and out" consolidation, there are a number of tendencies at work that are leading to that goal. Important among these is the practice of municipalities delegating to the county certain of their functions. Prominent in this list is the function of tax assessing and tax collecting. Of the thirty odd cities within the county at present, over twenty now have the county do all their assessing and collecting of taxes. Charities are in some instances consolidated and health matters are now crowding for attention.

A second simplifying practice is the consolidating of municipalities and the annexing by them of unincorporated territory. Los Angeles is not alone in the practice. The result of this work is the gradual reduction of the number of units that must ultimately be considered when complete consolidation is attempted.

Los Angeles of course has led in the process of annexations. This it has done with a definite policy always in view. Our endeavor is eventually to include in one unit all of the area within which the larger municipal problems previously mentioned are a common concern. The urge that prompts smaller communities to consolidate with Los Angeles differs in different cases. Usually it is done as a means of acquiring a more ample water supply; sometimes as a means of reducing local taxes; in others as the solution of sewage disposal difficulties. Such districts, when becoming part of the city of Los Angeles, assume their proportionate share of the city's bonded indebtedness for its aqueduct, its harbor and its power system—three utilities of common benefit to the whole metropolitan area. At present, the city comprises approximately one half of the territory included in the metropolitan district and there are projects in varying stages of progress that, if annexed, will increase this area to about three fourths of the whole.

THE PROBLEM OF THE SUBURBAN DWELLER

There is one other factor however of equal, if not greater importance to us. That is the problem of retaining within the city, that ever increasing element of its population that, because of modern transportation, finds its way beyond the city's limits to locate its residence and comes to town only to transact its business. This process, if allowed to progress unhampered, would eventually leave in control of municipal governmental affairs a very high percentage of transient population. The more substantial, home owning and children raising element of our population would go beyond the influence of the city and the city in turn would lose the leavening influence of this group in the affairs of the city. In general we consider it fair to assume that a distance not too great for people to travel daily to and from their work, is a distance over which a city not only can afford, but *must* extend its limits and incidentally its administration. Through such a policy a municipality retains a balanced population that will be truly representative of a typical American community at its best. Observation seems to warrant the belief that the element of a city's population that daily migrates or commutes to the outer reaches of the metropolitan area, is the more progressive element. It would follow naturally that to retain this element in active control of the city's affairs cannot but redound to the city's benefit and it is upon that policy that Los Angeles is endeavoring to effect complete consolidation within that portion of the county comprising the metropolitan district. Piece-meal consolidation of small areas and the gradual consolidation into the county of certain municipal functions are but steps in the right direction. Whether they ultimately effect the desired result or not is not as important as the fact that the demonstrations thus effected of efficiency and economy tend to enlist the support of ever growing numbers to the policy of complete city and county consolidation by some more drastic means yet to be devised.

OUR ANNUAL MEETING AT INDIANAPOLIS

BY FERDINAND H. GRASER
Philadelphia

A CONVENTION notable for the number in attendance, for the sustained interest of its sessions, for the high character of the discussions, in which varying points of view were ably brought forth, was that at Indianapolis, Indiana, November 17, 18 and 19, 1920, marking the twenty-sixth annual meeting of the National Municipal League. Some of the sessions were held jointly with The Governmental Research Conference, National Association of Civic Secretaries, Indiana Association of Commercial Secretaries, and Indiana Municipal League. The Chamber of Commerce of Indianapolis acted as host, and all the sessions but one were held at the Claypool Hotel. The local papers, as well as certain journals in Detroit, Chicago and Cincinnati, were generous in space devoted to the discussions.

THE MODEL STATE CONSTITUTION

The outstanding constructive feature of the convention was the progress made in the model state constitution. The League's committee on state government presented the report which was printed in these columns in the November issue, and asked for suggestions for future guidance along certain lines. Brief arguments, conducted at times not without spice, accompanied each suggestion, after which a series of advisory votes was taken in order to get the sentiment of those present. Here, as at the other sessions of the convention, it was noticeable that the delegates came to the Indiana capital for business, and not just for talk. The number of two-by-three conferences in corridors was negligible; all were anxious to listen to and to take part in the main discussions on the floor. Ex-Justice Charles Evans Hughes, president of the League, found it so interesting that he gave up the privilege of presiding in order that he might advise the committee from the floor, and his long experience in political affairs, city, state, and national, was of the utmost benefit to all in keeping the discussion within the realm of practicable action.

When the show of hands was called on specific propositions, sentiment was 20 to 1 in favor of an elective legislative body, chosen by a system of proportional representation; and the same vote favored a legislature of one house, instead of the present bi-cameral system. A two-year term for the legislators was favored as against a four-year term, and no one favored a term of one year. The delegates were not ready to approve a scheme by which the governor might dissolve the legislature and call for a new election, or by which the legislature itself might call for an election in the event of a dispute with the governor, in order to bring the issue before the voters. Those present also disapproved embodying in the model state constitution the essential features of cabinet government. Sentiment was practically unanimous in favor of a term of four years for the governor, while the question of holding sessions of the legislature at intervals of one year, or longer, was solved by leaving the actual interval a blank, so that each state could suit its own conditions. A good-sized majority voted in favor of the legislative council set forth in the committee's report.

The delegates felt that the proposed secretary of the legislature should be elected by the legislative council, rather than by the legislature itself; and that the chief accounting officer of the state should be chosen by the legislature, rather than by popular election, or by appointment by the governor. A suggestion was made, but not voted upon, that a provision be inserted in the constitution calling for an unnual audit of state department accounts. Provisions for the referendum of bills failing of passage by the legislature, provided one-third of the members voted for such bills, and also for the referendum of bills not approved by the governor, were unanimously approved.

GOVERNMENT AND HOUSING

Government aids to housing projects were studied at the opening session, Wednesday morning, November 17th. England's example in this respect was described rather pessimistically, by Lawrence Veiller, secretary of the National Housing Association, who disapproves of direct government loans to housing projects, but believes that prices of materials and of labor might be kept within bounds by government action, and that then it will be easy to get private capital for building. Exactly the opposite ground was taken, and vigorously championed, by Spurgeon Odell, of North Dakota, and by Thomas Adams, town planning adviser of Canada. Mr. Adams said that England's willingness to spend $100,000,000 a year for sixty years, if necessary, grows out of fear of revolution unless the housing problem is solved.

THE PUBLIC SERVICE

"The Crisis in Public Service" formed the subject of discussion at the second session, following a joint luncheon with the Governmental Research Conference. Luther C. Steward, president of the National Federation of Federal Employes, told how congress had authorized the formation of his organization by act of August 24, 1912, and he said it now represents several hundred thousand men and women. He made a number of suggestions as to how a better business arrangement might be made between the government and its employes. He pointed out that the American Federation of Labor, with which his organization is affiliated, has no power in itself to call a strike, and that the National Federation of Federal Employes in its constitution provides that under no circumstances shall its locals take part in or assist any strikes against the federal government. The most vital need at present, he said, is the reclassification of all government employes, with a scientific study of their work and their compensation. The chief motive in the minds of the federal employes in affiliating with the A. F. of L. was to emphasize the fact that toilers with the brain, as well as with the hand, are all "workers." Other speakers were Albert S. Faught of Philadelphia, who opposed the right of governmental employes to organize; and Dr. William E. Mosher, who outlined the next step in civil service reform.

THE BUSINESS MEETING

The annual business meeting of the League followed an informal dinner at the Claypool Hotel on Wednesday evening, November 17. Mr. H. W. Dodds presented a verbal report as secretary. He showed that, in common with other civic organizations, the League has had to fight hard financially, but has not curtailed or restricted its activities in the least. The plan for closer co-operation with the American Civic Association (described elsewhere in this issue) was outlined by Mr. R. S. Childs and approved by the members.

HOW THE CITY MANAGER PLAN WORKS

City managers had their inning at their opening session on Thursday morning, and scored some good hits. They had come up from their annual convention at Cincinnati. Dr. A. R. Hatton, field director of the League, opened the discussion. Illustrations corroborating his views were presented by Harry H. Freeman, city manager, Kalamazoo, Mich.; C. M. Osborn, city manager, East Cleveland, Ohio, and O. E. Carr, city manager, Dubuque, Iowa. Mayor Charles J. Hodges, of Gary, Indiana, declared that the managers were only putting their best foot forward, and a different showing would be seen if the best of the administrations of the old type were to be compared with the worst of the new, instead of *vice versa*. He claimed that all the nice things said about manager cities could be said about some of the cities he knew, governed by mayors and councilmen, and concluded, "I fail to see any special advantage of one form of government over another." Others however, quoted specific cases of improvement where cities had changed to the manager plan, and pointed out that when the change was once made, no city had ever voted to go back. Col. Henry M. Waite, former city manager of Dayton, Ohio, concluded the discussion by saying, "I do not say that the city manager plan will always be the best, but I believe that to-day it is the best bid for good government; you can accomplish more things; you can accomplish them easier, with less resistance, because you have a business form of organization. Decentralization is the great trouble with our city governments to-day. You cannot chart them."

A joint luncheon with the National Association of Civic Secretaries followed, the subject of discussion being methods whereby civic organizations influence elections.

THE DIRECT PRIMARY

Of all the sessions, that which attracted the largest number of men and women residents of Indiana was that devoted to the fate of the direct primary, in the Chateau room of the Claypool, on Thursday evening. Governor James P. Goodrich, of Indiana, presided, and the addresses were made by President Hughes and Prof. Charles E. Merriam, of Chicago University. Dr. R. S. Boots, secretary of the Committee on Electoral Reform, said the committee believes that some method of party enrollment is essential, but it should be kept secret. Further tentative proposals were that the voter be allowed to place his enrollment on a designated form in an envelope, to be preserved from the general election until the time of the primary, and then to be opened. Party committeemen might be placed on a separate ballot at the primary election. So-called "party representatives" might be selected at the general election, who might choose party candidates and thus save the cost of a primary where it is not necessary.

THE LAST DAY

It was very hard to get anyone away from the Friday morning meeting in time for the scheduled luncheon. The topic was "Service at Cost for Street Railways—Panacea or Nostrum?" The varying experience of cities in different parts of the country was presented in a most illuminating way by Hon. Fielder Saunders, street railroad commissioner, Cleveland, Ohio; Hon. James F. Jackson, chairman public trustees, Boston Elevated Railway, who presented the merits of the state trustee plan; Hon. E. I. Lewis, chairman public service commission of Indiana, who told how Indianapolis was still able to get along on a five-cent fare; and Hon. Charles M. Fassett, ex-Mayor of Spokane, who described Seattle's experience with municipal ownership.

At the joint luncheon with the Indianapolis Chamber of Commerce on Friday, George B. Ford told of the replanning of the devastated areas in France.

The final session of the convention, held Friday afternoon, was devoted to city-county consolidation. The gratifyingly large attendance kept up to the end. The last session was distinguished by the fire and snap of the discussions.

THE BUDGET OF THE CITY OF TOURS

BY T. L. HINCKLEY

The author, a member of the A. E. F., was stationed at Tours. The comparison of a typical budget of a French city with that of an American city is a picture of the municipal life of the two nations. :: ::

I

Budget-time in American cities is just passing, and it may be a consolation to our municipal statesmen to know that in other parts of the civilized world the same worries and the same kinds of difficulties that they are experiencing are, with modifications, consuming the attention of their foreign colleagues.

Europe is the home of the budget and it is to Europe that we have looked in the past for guidance in budget-making. Our models have been largely English and German, so possibly a few random notes concerning the budget of a typical French provincial capital may have comparative interest, at least. In this connection the budget of the city of Tours, in central France, affords at once an example of a standard French municipal budget and an illustration of the fact that a standard budget procedure, based upon experience, is one of the surest means a city can provide to stand the test of abnormal and critical times.

The two budget outlines given below, one for 1913, the year before the war, the other for 1918, the last year of the struggle, are so nearly alike both in form and amount that one has difficulty in realizing the great difference in the conditions under which they were prepared. In 1913 Tours was a quiet, contented and prosperous city of about 90,000, with vineyards, truck gardens and tourists as its main concerns; in 1918 it was a city that had seen its manhood drained off to the last able-bodied soldier, its population increased by many thousands of refugees, not to mention American S.O.S. troops, and its resources put to the breaking strain. Yet in spite of all this, the financial and administrative soundness of the municipality were such that no appreciable trace of these difficulties can be found in what must be regarded as a typical war budget.

It is of course unnecessary to state that in France municipal budgets are controlled as to their total amounts by the central government, acting through the prefect of the department; they are also "executive" budgets, being prepared by the mayor, through the secretary general, and approved successively by the city council and the prefect. The two examples given to the writer show identical amounts for mayor, city council and prefect; whether some intermediate estimates once existed, and were later modified in discussion, does not appear, but the chances are against it, especially as regards the war budget of 1918.

Estimated revenue, as well as estimated expense, forms part of the normal French budget, and the two sections are usually prepared in equal detail. All such budgets are also "balanced"—the totals for estimated receipts are the same as those for estimated expenditures. They are partially segregated in form, the 1918 Tours budget containing 222 titles. Supporting details, salaries and wages, in particular, are listed on the pages but do not form part of the items as approved by the council and prefect.

II

Following is a summary of the estimated expenditures for Tours for the years 1913 and 1918:

ITEM	1913	1918
First Section—Ordinary Expenditures:		
1—General Administration	Fr. 472,289.00	Fr. 500,303.00
2—Public Works, incl. Outlays	778,525.14	844,191.21
3—Military Expenses	49,350.00	54,120.00
4—Charities, Pensions, Welfare Activities	593,043.50	603,275.80
5—Education, Beaux Arts	615,338.50	726,700.50
(Primary Schools)	(331,370.00)	(416,925.00)
(Secondary ")	(90,185.00)	(89,705.00)
(Special ")	(44,372.50)	(49,179.00)
(Beaux Arts)	(90,433.00)	(20,000.00)
6—Festivals, Emergency Fund of the Mayor	21,000.00	20,000.00
Second Section—Extraordinary Expenditures:		
Interest on Loans	615,179.72	637,315.54
Grand Total of the Budget	Fr. 3,144,725.86	Fr. 3,385,906.05

The close agreement of these two budgets, both as to form and amount, has already been noted. As a matter of fact, there are 201 titles in the 1913 budget and 222 titles in that for 1918; the salary increases of municipal employes explain by far the greatest proportion of total increases. So nearly alike are these two documents that one might almost substitute the one budget for the other without doing violence to the financial program of the city of Tours—a possibility which marks at once the conservatism of the old-world city as regards outlays for the public welfare and its prudence and reliability in money matters.[1]

As to the total amounts represented by these budgets, they seem very small when compared with municipal totals for the United States, even without reference to present exchange rates. The per capita estimated annual expenditure of Tours for 1918 (assuming a population of 110,000) figures out at about six dollars! Contrast this with the corresponding figure of $27.50 for American cities of the same size.[2]

III

More to the point than the actual figures of the budget are the proportional expenditures proposed for the several purposes of the city government. The comparison between these proportions and the corresponding proportions for eight American cities of the same average population, Trenton, N. J., Lowell, Mass., Hartford, Conn., Youngstown, O., Fort Worth, Tex., Reading, Pa., Springfield, Mass. and Camden, N. J., is as follows:

PROPORTIONS OF EXPENSE FOR GENERAL MUNICIPAL PURPOSES

Item	City of Tours Budget of 1918	Eight U. S. Cities in 1918[3]
General Government	16.9 Per cent	30.6 Per cent
Public Works, including permanent improvements	25.0 “	32.0 “
Public Welfare, including Health Hospitals and Charities	17.7 “	3.5 “
Education	21.6 “	23.2 “
Debt Service	18.8 “	10.7 “

This comparison shows that if Tours is to be considered a representative French city, then such a city spends less on its general administration, public works and more on public welfare activities and public debt, than do cities of the same size in the United States, while educational charges seem to be about the same. We should expect that an old civilization would be able to accomplish its routine administrative work at less expense than our new and expanding society; we should also expect that public improvements, owing to the settled state of development of the country, would show a reduced scale of expenditure; but it must be rather surprising to learn that our welfare budgets lag behind those of Europe, judging at least by this example. And as for interest on borrowed money, which is the chief component of the debt service, it seems that we may not be so badly off, after all, altho it will be seen later on that while this particular French city spends largely on interest it also collects large amounts from its investments—an indication of greater financial activity.

Much could be written concerning the individual items of the Tours budgets which tend to illustrate the differences in method and in principle between French municipal government and our own. A few cases in point may be of interest. Thus in the police department we find that the city provides all uniforms but that each policeman pays the city 120 francs a year for this purpose; the city paying for all repairs to same. Fire department expenses are included in "military expenses" as are also certain subsidies granted to private societies interested in raising carrier pigeons. Welfare activities include venereal clinics, prenatal care, public hot water baths, assistance to all classes of handicapped individuals, subsidies to institutions, the maintenance of work yards for the unemployed during winter, creches, personal pensions, etc. Worthy students in the schools are assisted, selected students in the art courses are sent at municipal expense to the great national schools at Paris. Money prizes are offered by the municipality to stimulate pupils in the public schools. The city operates a municipal abbattoir. Special sums are set apart for public fetes. Musical societies are subsidized. Last but not least the city owns and operates a splendid municipal theatre. A very pronounced feature of these Tours budgets is the great number of trust funds which are administered by the city in the interest usually of some social or artistic development.

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[1] Not to mention the effect of the war.

[2] U. S. Census Report for 1918; items 55–62, inclusive, of Table IV.

[3] U. S. Census Reports for 1918. Table XII.

IV

Turning lastly to the "receipt" side of the Tours budget it is to be regretted that the actual sheets for the years cited in relation to proposed expenditures have been lost. Only an approximate idea can be given of this feature—the major feature as far as the conscientious public official is concerned. And another year—1911—must be used; but the totals are so nearly those of 1918 that it may be assumed that no great differences in their composition exist.

For the year specified the estimated receipts of the city of Tours were:

From taxes, including certain licenses, also fines	Fr. 416,195.04
From subsidies and bequests	233,902.97
From municipal enterprises, permits, and the octroi (local customs)	1,998,210.45
From the street railway*	408,379.89
From interest on investments	236,987.53
From miscellaneous sources	12,202.23
From special assessments	25,429.27
Total estimated receipts	Fr. 3,331,307.38

* This item also includes an unexpended balance from the previous year.

Owing to fundamental differences between the status of municipal corporations in France and those in the United States, it is impossible to complete the analysis of the above figures within the limits of this article. Certain outstanding features can be noted with profit, however, chief among which is the extremely small proportion of the municipal revenue which is raised by taxes and assessments. In the eight American cities taken for comparison in regard to their expenditures the average proportion of income from taxes and assessments is 78 per cent;[1] for Tours the corresponding percentage is 13! Stated in general terms, this means that Tours levied upon its citizens for only about one-seventh of its total budget; it earned, in various ways, the other six-sevenths. It thus appears that this municipality is to a large extent a self-sustaining enterprise.

Taxes being lower than in American cities of the same size, it follows that the other sources of revenue must be greater. The comparative figures show that Tours receives in grants, gifts and subsidies and in interest, about twice as much, proportionally, as the group of cities already referred to.[2] The details applying to the large item "Water rents, local customs (octroi), markets, abbattoir, school fees" are unfortunately lost, but, if the writer's memory serves him correctly, the octroi item is by far the largest component; there is of course no item in an American city budget with which this survival of the age of feudalism can be compared. In the absence of explanatory data a further analysis of the figures for estimated receipts would not be of value.

As to what inspiration, if any, this budget of Tours offers to an American municipal specialist, it would seem that there is nothing new involved, but that its chief service is to emphasize points of great importance to all concerned with the proper administration of city finances. Tours gives us a model "executive" budget, ample details supporting the salary requests and clear explanations of items presented as lump sums. The two sections of a correct budget, revenue as well as expense, are presented in equal detail. So much for the form. As to content, we see that, owing to careful financing, the city is able to provide six-sevenths of its funds without levying upon the citizen body, a fact which has tremendous significance to American cities, forced as they are to levy upon the citizen body for much more than half of the total sums needed.

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[1] U. S. Census Reports for 1918: Table XI.

[2] Table XI U. S. Census Reports 1918.

Indeed, it might be said that in this simple relation of taxes to other sources of revenue is contained the entire theory of municipal government. Are we to keep our cities in leash, in an economic sense, or are we going to provide them with substantial independence so that they may be free to develop their resources and use their financial and social advantages with as full an initiative as the private corporation? We have given cities home rule but have we shown them sufficiently how to use this great lever to lift themselves out of the financial mire and acquire, like Tours, a substantially self-supporting basis? Can we now apply the energy we have shown in solving problems of *internal* efficiency to problems of *external* efficiency, so that the American city of the near future may take its place not only as a living, responsive, social organism but as a successful economic enterprise as well? It is along lines such as these that the consideration of a municipal instrument such as the budget of Tours may be found to have suggestive value.

HOW THE UNITED STATES CAN HELP BUILD HOMES

BY STEPHEN CHILD

Landscape Architect and Consulting Engineer, Formerly District Town Planner, United States Housing Corporation

A defense of the war housing work of the federal government and a proposal to capitalize the war experience. :: :: :: ::

I

From all over the country, in fact from all over the civilized world comes the cry for houses and more houses. And why not, when during the past five years so many have been destroyed and so few new ones built! In this country during this period the building of new houses suitable for workers has been practically at a standstill, has amounted to less than one per cent of the normal increase of such building, and to this new building the federal government itself through its several war agencies has been the principal contributor. How can this invaluable experience accumulated in Washington in the course of its war housing work, be placed at the disposal of a house-hungry Nation? It is believed by many that the answer is the enactment of the Tinkham Bill which provides that there shall be "created in the Department of Labor a Bureau of Housing and Living Conditions, which, for the purpose of increasing the productive capacity and well-being of workers and of promoting good citizenship, shall be charged with the duty of

(a) Investigating the housing and living conditions of the industrial population;

(b) Conducting research and experimentation looking toward the provision and publication of such information as will make economically practicable the elimination of slums, the improvement of living conditions, the reduction of the construction cost of dwellings, and the financing of extended home-building operations without federal appropriation;

(c) Assisting communities during the present housing shortage in making available to the utmost extent all existing housing facilities; and

(d) Serving as a clearing house of information on housing and living conditions."

Section 2 of the bill provides "That to this bureau shall be transferred the collections of plans, books, pamphlets, reports, and other material gathered by the United States Housing Corporation and by the Housing and Transportation Division of the Emergency Fleet Corporation which would be of use for the purposes of the Act."

II

The acute problem of war-time housing shortage was attacked by three organizations, the United States Housing Corporation, an executive agent of the Housing Bureau of the Department of Labor; the Emergency Fleet Housing Corporation, a similar agency of the United States Shipping Board, and the Ordnance Division of the War Department. Of these three the Housing Corporation has recently issued a monumental report[1] literally a mine of information, and as this corporation was perhaps the most completely organized, a brief outline of its history and accomplishments may be in order.

In the early summer of 1917 it became evident that the production of munitions, ships, guns and supplies was being checked by bad housing conditions. "Shelves to sleep upon, or the three-shift beds which never cooled between use, food handled almost in troughs as for swine; the absence of bathing, resting, and recreation facilities; transportation to and from work in continuous discomfort—all these conditions made big pay a mere incident of discontent and migration from one job to another in the hope of finding some place fit to live in." The managers of the industries involved could not possibly solve the problem,—no private initiative could and the government was simply forced to take it in hand. The reports above mentioned give the results of a portion of the government's endeavor.

An entirely new organization had to be assembled, the initial steps being taken by the Committees and advisors of the Council of National Defense. Headed by Mr. Otto M. Eidlitz unpaid volunteers began collecting data and to outline procedure. After many months, in March, 1918, congress appropriated $50,000,000 for houses for ship workers, and until the Shipping Board established its own organization Mr. Eidlitz and his collaborators aided them in an advisory capacity. But the study of the problem of housing for other war workers was continued, a tentative scheme of procedure was prepared and some of the most pressing housing shortage situations investigated,—expenses being paid from the President's emergency fund and the Navy Department. Finally, June 18, 1918, real authority was given to expend $60,000,000 (appropriated June 4, raised to $100,000,000 July 8) "for the purpose of providing housing, local transportation, and other general community utilities for such industrial workers as are engaged in arsenals and navy yards of the United States and industries connected with and essential to the national defense, and their families * * * only during the continuation of the existing war." But not until July 25, 1918, was the United States Housing Corporation, created as an executive agent of the Housing Bureau, and authorized to expend these funds for actual acquirement of land and for construction. Between this date (July 25th) and the armistice, in 109 days, this Corporation produced completely worked out plans and specifications for 83 projects, its work extending as far afield as Puget Sound and New Orleans,—Bath, Maine, and Mare Island, California. For 60 of these projects, involving an estimated expenditure by this Corporation of $63,481,146.65, construction contracts had already been let on November 11th, a very remarkable record. The story of how it was done is an interesting one.

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[1] Report of the United States Housing Corporation. (U. S. Bureau of Industrial Housing and Transportation.) Vol. II. Washington, Government Printing Office, 1919. 524–xix pages. Illus. plans. 11¾ x 9 inches. Price $1.50.

Applications for aid poured in, a steady stream of them, and all were listed and taken up in the order of their apparent importance. First a preliminary investigation on the ground was made, the investigator canvassing the situation as completely as possible, consulting with manufacturers, laborers, civic organizations and so on.

In the meantime the Washington office of the Corporation was being organized, various divisions were established, including architecture, engineering, town planning, legal, real estate, transportation, homes registration and later operating, and other divisions; each with recognized experts at the head and a suitable staff of assistants.

The preliminary investigator's report was given full and searching discussion by the chief and division heads. If the need was proved an allotment of funds was made, not always for new houses, however. Sometimes war contracts were placed elsewhere, again private enterprises were encouraged, all present housing was to be improved and made available and transportation facilities increased. If these combined did not solve the problem new house construction *was* authorized, never, however, in sufficient quantity to completely serve the need of any one community, but enough to help hold the most needed workers and never more than would be useful and valuable after the war.

A "real estate scout" was sent out and the vacant land question thoroughly sifted. Following his report again made to an inter-departmental committee of the corporation at Washington, "a second investigating team" was sent, usually composed of one man each from the architectural, engineering, town planning and real estate divisions, with a man from the transportation division when needful. The homes registration division in the meantime was busily at work listing all room vacancies in the community.

When this "second investigating team", arrived in the town each took up his special line thoroughly, the team meeting evenings to co-ordinate results, one member being appointed captain and all joining in formulating the report, covering the number and kind of houses to be built, the site or sites best suited and many other details. This second investigating team report was of utmost importance and while it was reviewed by the Chief and department heads of the Housing Corporation, and if found advisable modified, it usually became the basis of future action.

The site and size of the job thus determined, the next move was the appointment by the Washington office of a committee of designers, usually three, an architect, an engineer and a town planner, these three being held responsible jointly for the project. The Washington office helped them with standardized data and requirements, and with these, followed by study on the ground a preliminary plan with estimates was submitted, again to the chief and department heads of the Housing Corporation. Many were the alterations and adjustments made at this stage, to make sure there were no inconsistencies, overlaps, or omissions.

Then came final plans and specifications and following further conferences at Washington over these, contracts were let, under a practically graft-proof form of contract which had been carefully worked out. A requirement division was organized, estimating standards determined and all materials at a fixed price purchased through the construction division of the army. In the meantime of course the real estate division had negotiated the acquisition of the site or sites decided upon.

A project manager was now appointed for each job to co-ordinate the work of the corporation, designers, contractors and sub-contractors, eliminating as far as possible all friction and delay.

Contracts let, material ordered and work started, the committee of designers selected a works superintendent, who after approval by the Washington office, was given supreme charge of construction on the job.

All this organization had to be rapidly assembled and much of it was worked out as the program developed, but in spite of occasional misunderstandings, and duplication of fields of work, on the whole one of the most striking accomplishments of the corporation was that through a necessarily complicated co-operation of many hundreds of people who, for the most part, had never worked together before, with almost no delay due to personal friction, it produced in 109 days, the remarkable results already noted.

III

In serving its war purposes the Housing Corporation and the United States Shipping Board have together produced and in a measure compiled, as by-products, by far the largest and best organized collection of information in existence on contemporary American industrial housing, town planning and related matters. The recent Housing Corporation report sets forth all too briefly only what this organization has done—no similar record has been published by the Shipping Board. The proposed housing bureau or service (a better term) should no doubt first make a careful analysis of all this compiled data and publish its conclusions; something there was no opportunity to do in the rush of closing up affairs.

Let us suppose such a housing service authorized and effectively organized. This is perhaps neither the time nor the place to outline in detail its organization, but it would no doubt include a Director and various appropriate division heads. Their first duty would be the above mentioned careful analysis of accumulated data.

Without doubt such a service would immediately be flooded with requests for aid and advice. One cannot take up a paper without reading of the more or less intelligent efforts that are being made all over the country to relieve serious housing troubles. The chambers of commerce, boards of trade, or real estate boards of most of our large cities, as well as individual manufacturers, large and small are struggling in a tangled morass of difficulties and all would welcome the expert advice this service would be so well able to give.

Let us set our proposed service to work in aid of a manufacturing city suffering as what one is not from housing trouble. No doubt such a community if it is at all progressive, has already done some investigation work, but there is an honest difference of opinion as to what to do next. A communication is sent to the housing service stating the facts as they exist, and the need for advice established a preliminary investigator, a man trained by war-time experience is sent to our city. After canvassing the situation, consulting with officials, manufacturers, laborers and various organizations, he reports his findings to the Washington office. The director and heads of divisions there, men of broad vision and thorough training will be able, after full and searching discussion, to advise our community in many ways. They may show, for example, how present housing conditions can be improved and made available, or recommend changes in transportation facilities. Homes-registration-bureaus established by the United States Housing Corporation and the advice of their transportation experts relieved a very large amount of the acuteness of war-time housing difficulties,—tided many a community over very trying situations until actual construction could really solve the problem. But no doubt this is not sufficient for the case in hand. Houses must be built, but of what type and where and whence the funds?

While the service at Washington can furnish no financial aid, a very wise provision, it can advise, no doubt, through the means of a second investigation committee, about methods of financing such undertakings, and about the selection and purchase of sites, particularly about types and styles of houses, furnishing reliable estimates of their cost, for while the government costs were inflated by war conditions, these can readily be scaled down to those of the present day.

The Federal war-housing agencies made a careful study of the recent growth of municipal utilities, prepared engineering standards in great detail, studied best methods of surface improvements, of drainage and grading, as well as the fundamental principles of street, alley, sidewalk, and lot planning. The second investigating committee with this data in hand and analyzed, can advise about all these, and particularly help our city co-ordinate its plans, advising its local committee of designers, undoubtedly needed if the problem is of any size.

When it comes to the question of type of dwellings and other buildings, it will be found that, our service has standard plans of bungalows, detached houses, semi-detached houses, two-flat houses, semi-detached two-flat houses, dormitories, cafeterias, schools and many "standard details," all ready and these are increased in value by the actual results of their use by the government.

Another matter to which the government gave careful study was "general appearance," considering its financial value, elements producing it, consistency in design, variety, and the taking advantage of the natural features, together with the importance of the general effect of building. All these points can be advised upon in the light of actual experience in many sorts of problems. When there is any existing natural beauty, either on the land purchased or visible from it, it can be shown how to preserve it and display it to the best advantage. Fortunately, the roughest land, and that with brooks and large trees, is likely to be both the most interesting to look at and walk through, and the most expensive to build on, and so on both counts best fitted for public reservations, the most attractive of these areas can later be developed as parks and public spaces of various kinds, where these are needed.

The real estate division of the Housing Corporation accumulated some very valuable experience in regard to methods of purchase of land, and when our city is ready for actual work the corporation's experience with regard to forms of contract and of purchasing material will be valuable preventing serious and expensive mistakes. So all along the line, from start to finish, can this service help our city's housing needs.

IV

To be sure, the Housing Corporation was investigated, quite largely for political purposes. Among the other unfair conditions of this investigation, it is to be noted that the corporation was not allowed the privilege of cross-examination by its attorney and one morning only out of four months of questioning, was granted for the submission of rebuttal evidence, the conclusions of the report making no mention of this evidence.

The Senate committee's main criticism is that the United States Housing Corporation adopted in general a permanent type of housing, their alleged unnecessary excellence coming in for much sarcasm.

The question raised is a fundamental one; of special interest today on account of the housing shortage. England went into the construction of war housing to an extent many times greater than did this country, building houses on an even more permanent type than ours. Several private housing corporations, notably The Bridgeport Housing Company of Bridgeport, Connecticut, just prior to the time when this country entered the war built for the industrial workers of their crowded city a number of houses and apartments similar to those later on erected in Bridgeport by the United States Housing Corporation.

The question was carefully considered, by the government experts, whose judgment may well be considered to be better than that of the Senate committee and its clever attorney. The war loss to the government in dollars and cents will probably be about the same in the case of the permanent and temporary housing. But, in the case of the permanent structures there is something very definite and useful left to show for the money spent. The salvage value of the temporary houses is very slight, whereas they require almost as great an outlay for "utilities," sewer, water supply, drainage, paving, lighting, etc. In other words, the government has secured, without extra expense, the incidental salvage of having created a decent American home. Of all assets which the country has today, none is greater, none is needed more than good housing and the individual ownership of homes which create loyal and useful citizenship. There was nothing to warrant the United States Housing Corporation to a procedure of filling up some of the best towns in the United States with a lot of cheap hovels which would have degenerated into slums and which would have been a disgrace to many cities now provided with decent government housing. The type of the house built was the type demanded and ready to be paid for by the skilled worker. He is doing it. All of the first-class houses built by the Housing Corporation were filled up as fast as they were constructed. The last houses in demand by the tenants or by the prospective home owners, have been the cheap temporary houses recommended in the Senate committee's report. "Furthermore this government housing will long out-last any of the other physical things constructed for the war. In 15 or 20 years the battleships will be scrapped, the guns and forts will be out-of-date and nothing will be left except these towns, and in 20 years they will only have begun their usefulness both for their own inhabitants and as examples for the country."

The United States Housing Corporation has completed construction of houses and apartments for 6,000 families and quarters for some 8,000 single workers. Out of a possible occupancy returning at the rate of some $2,200,000 per annum it has rented houses under an annual rental of $1,985,000. It has sold to good advantage a large amount of movable property and has adjusted all cancelled and curtailed contracts.

By June 30, 1920, the United States Housing Corporation will have completed the bulk of its task of converting its properties into securities. There is every expectation that the total return to the United States Treasury will be:

$32,500,000	cash returned soon after the Armistice.
10,000,000	interest bearing securities of Transportation Companies.
30,000,000	cash and interest bearing mortgages on real property.
$72,500,000	

The remaining $27,500,000 must stand as a war investment. *A considerable portion of this was spent in making available suitable existing quarters and homes to thousands of essential workers through homes registration bureaus*, which the Housing Corporation established throughout the country. *Also, improved transportation facilities for many communities and the weeding out of non-essential demands for housing*, for construction of temporary buildings and for excess war cost all along the lines.

It is a fair question "What other war agency of like size has made so good a showing?"

With the reassembling of congress, after the heat of the campaign, it is reasonable to hope that attention may be concentrated upon this housing question and some such bureau or service, as is here outlined, established. It could do a great deal of good.

THE FATE OF THE DIRECT PRIMARY

BY CHARLES E. HUGHES

Being Mr. Hughes' presidential address before the Twenty-sixth Annual Meeting of the National Municipal League at Indianapolis.

Democracy, after all, is but an opportunity. The common good cannot be achieved without expert leadership, and there is always the struggle to avoid the misrule of ignorance and passion and to prevent democratic forms from being subverted to selfish ends by the astute but unscrupulous. Government through political parties necessarily means careful organization for party success, and the control of this organization opens such broad avenues of power that, while we have had many high-minded political leaders, not less skilful because unselfish and patriotic, it has been the bane of our politics that leadership easily degenerates into bossism, which means control of political organization for illicit purposes—a self-perpetuated power maintained by creating or safeguarding privilege and through the procurement of legislative or administrative favors.

Happily we have far less of boss-rule than we formerly had. The influence of political organization, while powerful, is more normal and less sinister, and while corrupt alliances with enterprise still exist in a limited way, they have no such broad reach as in years past. This is partly due to drastic regulatory legislation and a variety of administrative agencies created to protect the public interest. It is also due to higher standards in the business world and to the fact that the people are more intolerant of the evil, more alert to detect it and have better facilities with which to combat it.

The direct primary was established as one of these facilities. It was a revolt against the abuses of the nominating convention, as that convention itself was a revolt against the former party caucus. At the outset, the local caucus, as has well been said, was "practically a town meeting" of the members of the party. Gradually there developed the legislative caucus, composed of members of the State Legislature, for the nomination of candidates for State offices, and the Congressional caucus for the nomination of candidates for President. At the best, the caucus was a meeting of the most experienced men in the party to select candidates. It gave opportunity for consultation, interchange of views by the well-informed and careful appraisement of candidacies. But, with an instrumentality of such great power, there was resort to every sort of chicanery to control it. Instead of being a servant of the party, it became its master. Its lack of responsiveness to the sentiment of the party members, and the opportunities it afforded for fraud and for corrupt bargains, outraged democratic sentiment and created an insistent demand for a more representative system. Still the nominating caucus had its strong defenders and it took a long and bitter fight to abolish it. The convention, with its representation by district delegates, was established through a determination to give to the people the control of their government.

THE ABUSES OF THE CONVENTION SYSTEM

But, in course of time, the convention system developed abuses. As population increased, delegates were not so well known to their constituents and the manner of their selection and their number made it easier for a few to control the party machinery. The absence of legal regulation gave opportunity for frauds at primaries and for arbitrary action in seating delegates. In the South, where nomination by the dominant party meant election, it was obvious that the will of the electorate would not be expressed at all, unless it was expressed at the primary. Hence, there arose strong opposition in the Southern States to the delegate convention and the demand that the voters should nominate directly. Dissatisfaction with the convention system became country-wide. It was due to the despotic procedure of political bosses, most conspicuous in large cities, although here and there, by their control of the machinery of conventions there was but a mockery of popular government in great States. The convention system came to be regarded as unrepresentative; its decisions were viewed as those of irresponsible rulers who distributed the great prizes of party nominations for State and local offices like feudal barons, exacting in return fealty and service. The spirit of democracy could not brook such a perversion of its institutions and various sorts of direct primaries, or the direct nomination of candidates by the voters, have been established throughout the country.

There has been a period of experimentation which has made it manifest that there has been a disregard of the essential requirements of a proper primary system. The methods which have been employed have disclosed grave defects and naturally there is widespread criticism. The question is, What is the remedy? Should the direct primary be retained? Or should there be a return to the old convention system? Or should there be a modification in an effort to secure the advantages of both? The question is one of the most serious importance and should be discussed dispassionately and in a practical way.

PARTY RESPONSIBILITY THE GOAL

It may be stated in advance that, while there is much criticism that is well founded, there is also criticism that is misdirected or addressed to thoughtless and extravagant claims. It is a mistake to suppose that it is the proper object of the direct primary to destroy or impair party organization. Of course, we cannot have effective political action through parties, and party responsibility, which some of us at least believe to be highly desirable in this country, unless we have party organization which will respond to the exigency. It is a futile and unwise proceeding to attempt to break it down. The object of the direct primary, properly conceived, is to make party organization representative and responsible, to prevent its abuse, not to destroy its wholesome influence. Those who would use the direct primary to destroy party organization not only fail in their purpose, but they simply embarrass the efforts of those who are endeavoring to secure clean, wholesome and effective group action for political purposes.

If there is to be party organization, there must be party leaders; and if there are leaders, there will be followers. It is idle to suppose that men can be persuaded to act differently in their political relations than in any other sort of organization. Leaders will have their influence, and so long as there is a common sentiment to hold a group together it is futile to suppose that the group will not respond to the suggestion of their leaders. The proposals that leaders make are naturally accepted, and the criticism that the direct primary does not prevent men of special talent in organization from leading those who want to be led is beside the mark.

The advantages of a proper direct primary system are these:

First: It places a weapon in the hands of the party voters which they can use with effect in case of need. They are no longer helpless. This fact puts party leaders on their best behavior. It is a safeguard to the astute and unselfish leader who is endeavoring to maintain good standards in line with sound public sentiment. It favors a disposition not to create situations which are likely to challenge a test.

Second: The fact of this control gives to the voters a consciousness of power and responsibility. If things do not go right they know that the trouble lies with them. The importance of this assurance should not be overlooked in any discussion of the apathy of the electorate.

The fact that the voters know that they are in control, that the machinery of nomination is not so contrived as to render them virtually powerless, but that they may assert their will immediately if they choose, is of the utmost importance in securing the foundations of a sound and stable democracy, with rational progress, and in protecting us against the assaults of those who would undermine all orderly government by fomenting bitterness of feeling by reason of the belief that our system favors government by a privileged class.

It is especially important to have this consciousness of power, of political control, in the voters, in view of the vast increase which we must expect in the authority of our chief administrators in State and city. I regard a proper direct primary system as the essential complement of the short ballot. I may assume, perhaps, that the most of us are agreed that democracy does not mean inexpertness in administration, that it is entitled to the service of the most competent, and that we cannot have the degree of efficiency in administration to which the people are entitled unless we have a suitable organization of government and centralized administrative responsibility. This means a few elected officers, upon the selection of whom the attention of the electorate can be focussed, and their complete responsibility for the conduct of government on its administrative side. But it is idle to expect that such a plan for centralized responsibility in State government will be tolerated if the nominations for offices of such great importance are not subject, in some effective manner, to direct control by the party voters. I shall presently have something to say of the importance of method in securing this control so that men of exceptional capacity will not shun political activity. But the point I desire now to emphasize is that it is conducive to the public security, and to the establishment and maintenance of a sound administrative system, that the voters should have the consciousness of power, and of immediate control and responsibility, with respect to the selection of candidates for office.

The question is whether this result can be achieved without paying too great a price for it, and without creating the difficulties to which present direct primary methods have given rise.

PARTY ENROLLMENT

There is one defect in the present system, as it exists in certain jurisdictions, which can easily be remedied. That is the failure to have a suitable party enrollment as a qualification for voting at the primary, with the result that those affiliated with one party can determine the nominations of another party. This is to make a travesty of party representation. It is to confuse party nominations and independent nominations. There should, of course, be opportunity for independent nominations, but it is absurd to permit Democrats to determine who shall be the candidates of the Republican Party or *vice versa*. So long as we have parties, the members of the party should be permitted to choose its representatives, and any system which virtually destroys this opportunity by opening the primary, which is to determine the party candidacy, to the adherents of another party is to bring the primary into contempt. It is not difficult to have a system of enrollment by which those who are generally affiliated with a party may declare their intended adherence and have the privilege of participating in the selection of candidates accordingly.

SOME CRITICISMS

Apart from this remediable evil, the important criticisms of the existing direct primary methods may be grouped as follows:

(1) That the direct primary overburdens the election machinery, by requiring two campaigns;

(2) That it entails heavy expense;

(3) That it ignores the necessity for consultation and conference in the selection of candidates;

(4) That it affords no suitable opportunity for the formulation of party platforms;

(5) That it aids the efforts of self-advertisers and demagogues;

(6) That, even in the case of those who are not to be so characterized, it leads to unseemly appeals for personal support, especially in the case of candidates for judicial office;

(7) That frequently men who would be desirable candidates will not enter a primary contest; and

(8) That the contest is likely to develop bitterness, which weakens the party in the ensuing campaign for election.

Some of these objections, with respect to expense and double campaigning, might be equally applicable in case of a convention, the delegates to which were selected upon the basis of pledges to support particular candidates. If it were understood that the party voters were to exercise their control through the choice of pledged delegates, and they were to avail themselves of this opportunity in a spirited contest, there would be apparently the same occasion for outlays and, of course, the same campaigning. So far as this aspect of the matter is concerned, the convention system would apparently be preferred only in view that there would be little or no contest over delegates and hence slight occasion for expense and no real effort to control the delegates in the interest of particular candidacies. But it was under such a system, contrived in the view that the voters had little interest in the selection of delegates, that the serious abuses arose which led to the overthrow of the convention. Those who think that it is feasible to return to such a system do not, in my judgment, take account of the deep currents of our political life. The notion that the electorate will be satisfied with selections dictated by party rulers, subject only to the easily obtained acquiescence of hand-picked delegates, is one that can be entertained only during a time of reaction against present unsatisfactory methods. It is a better course to correct these methods while maintaining that measure of control by the party voters which is essential to protect their interests and to secure a sound and vigorous party life.

The question of expense can in some degree be met by statutory limitations of outlay, but there is need of a more fundamental treatment of the evils to which I have adverted.

Of course, there must be opportunity for consultation and conference in the selection of candidates. There is not a church or a club but provides for this through the selection of a nominating committee. The exigency thus sought to be met is not less, but far greater, when large communities are to select officers. Candidacies, whatever methods be adopted, will have their genesis. Occasionally, special conditions will bring individuals into prominence and make it greatly to the public interest that a leadership which has been developed by the course of events, to the great advantage of the community, should not be frustrated by control of political machinery. But a proper system will not only take account of this emergency, but also of ordinary situations in which there is no obvious public demand and there is special need for the judgment of party leaders of wisdom and experience. There will be in any event consultations and conferences and it is better that the necessity be recognized and that they be conducted in a responsible manner.

The point is also well taken that there should be appropriate opportunity to present a statement of party principles. Parties must be led by men and may be honored by their leaders, but they are supposed to present principles and not merely personalities. If a party professes principles, it should have an opportunity to proclaim them upon party responsibility.

SELECTION OF SUITABLE CANDIDATES FACILITATED

To my mind, the most serious question, presenting itself in different phases, is with respect to the obtaining of suitable candidacies under the direct method. The aversion to a primary contest on the part of men conspicuously well fitted for office is quite apparent. Fortunately, from time to time there appear men of great ability and resource, natural leaders of men, who have not only patriotic impulses but undoubted capacity, who are able and ready to enter the lists, who are glad to seek, and who benefit the public in seeking opportunities for public service. But persons of this sort are rare. The citizen of ability, well trained and experienced, is a man with a vocation. He has received his training and his experience through his devotion to that vocation. He is not destitute of public spirit, but he is not in a position and has no inclination to spend time and money in trying to get an office which he does not want and which he would only take at a considerable sacrifice. He will serve if the demand arises, and the community needs men of this type. It is precisely that sort of man who in public office has no ambition but to make a record of public service. He will exhibit in public service the same fidelity, loyalty to principle and integrity of character, which have given him standing in his daily work, whatever that work may be, in agriculture, industry, trade or the professions. But it is difficult, if not impossible, to persuade him to enter a primary contest. It is important that the community should draw this class of men more and more into the public service, not simply by securing them for positions held by appointment, but also in the chief elective offices. In the case of judges, it is obvious that it is men of this type who should be put upon the bench. And certainly we should arrange our methods so as not to aid the efforts of the worst enemies of democracy, the charlatans and demagogues, with little brain and much fluency of speech, who either seek their living at the public expense or are the puppets of those who would use them for their own corrupt purposes,—men who are willing to say anything and do anything to obtain office,—the parasites of government.

It seems to me that these difficulties can be met if we have regard to the proper objects of a primary. It is not an end in itself. It is not a virtue to have a double campaign,—quite the reverse. It may be necessary, but it should be avoided if possible. The primary system should be so devised as to interpose the necessary check upon party leadership, while at the same time putting both the community and candidates to as little trouble and expense as possible.

It is frequently said, in connection with primary contests, that the candidates of the party organization generally win. This is stated as though it were an objection. Why should they not win? If a party organization is clean, vigorous and efficient, if it has the confidence of the party members, as such an organization should have, it will be influential in advising candidacies, and those who are presented as candidates with the approval of such an organization will in all probability be men who ought to be selected. We should expect in any of our voluntary organizations that a nominating committee, consisting of some of the best informed men of the group, would propose those admirably fitted to be candidates for the offices to be filled. The fact that if such men are not chosen there is likely to be an opposition ticket, greatly conduces to a proper selection. An effort is made to avoid the friction of a contest and the group is supposed to function well when it is able thus to settle its differences and to avoid the bitterness created by a contested election.

There would appear to be no reason why this should not be accomplished in party management without the sacrifice of the conscious power of the party members to dictate the party choices.

PARTY ORGANIZATION MUST BE REPRESENTATIVE

In the first place, it is necessary that the party organization should be truly representative, that is, that those who are selected should not be hosts of delegates in such numbers that their choice awakens little interest and favors the notion that they are held to slight, if any, responsibility. The party should be represented in its various district divisions, starting from the lowest unit, by directly chosen representatives who are responsible in each case to the party members of the unit. The persons thus chosen will constitute representative bodies of the party, district bodies and a State body, with an appropriate number of members. And these bodies may meet, under suitable provisions of statute, to designate the persons recommended for nomination for the offices to be filled. A representative body thus elected directly by the party members, and having the authority to propose nominations for State offices, would appropriately formulate a statement of the party principles, or the party platform. And these bodies, State and local, respectively, would furnish the facilities for conference and consultation in order that fit men should be chosen to represent the party as candidates. It is of no consequence whether such a body be called a convention or not. Its distinctive feature would be that it would consist, either in the State or in the smaller political division of the State, of a directly responsible group, instead of a host of delegates selected in such a manner and in such numbers as to be without any real personal responsibility to the party voters. It would be, in a sense, a nominating committee, appointed by the party in a convenient manner so as to charge each representative with direct responsibility.

If such a body did its duty well, there would be no necessity for a double campaign. Its choice would be ratified on primary day without contest. The difficulty of giving to opposing candidates no opportunity to have their merits discussed except in a primary contest would normally be removed, and the bitterness engendered by such contests would generally be avoided through a full consideration of the qualifications of candidates and the decision of the party representatives. The action of such a body should not be final. If it ignored the sentiment of the party voters, if it appeared that some ulterior or sinister purpose had been served, if the candidates, or any of them, which it selected were unworthy, then there should be opportunity for the party members, immediately and without difficulty, to express themselves in opposition and on primary day to have a chance to show whether or not the designation of the organization body was approved.

This would mean that the body representing the party, chosen in the manner I have described as a really representative body, would not care to invite a challenge of its choice; that it would endeavor to meet the wishes of the party voters so far as these could be ascertained. The party representatives would act under a check, which as a rule would preclude any action but that which the party voters would be ready to approve. But the party voters would always have their chance to disapprove and to present other candidates. Of course, the party is not entitled to any better standing than its members give it. The less independence there is in a party, the more complete control the party leaders will have. But this will be so under any system. The effort should be to avoid a plan which puts a premium upon unnecessary contests and involves needless expense, while at the same time affording essential checks and giving opportunity for contest if there is a real reason for one.

In this way natural leaders, chosen by events, would find their place. On the other hand, the party conference would afford the opportunity for bringing forward men of merit, fitted for office, who would be willing to accept nominations with the backing of the designating body, although they would not subject themselves to the annoyances and expense of an open primary. Demagogues would not be favored unless the party wanted them, and if the party did wish candidates of that sort they could not be denied the privilege of enjoying that distinction. The bitterness of strife within the party would be reduced to the lowest terms that are consistent with the maintenance of the freedom of the party voters, which is of vital importance if we are to assure the sense of popular control of government.

THE PRIMARY AS A COURT OF APPEAL

If anyone wants to run for office as an independent candidate, he should have that opportunity. But if he desires to be the representative of his party, then he should be willing to conform to the obvious requirements of group action. He has no right to embarrass his party for the sake of self-advancement. He does have a right, and the party members have a right, to demand that all authority within the party should be derived by direct choice of the members of the party; that such bodies as are chosen should be selected in such a manner as to give a sense of responsibility to the party voters; that within the party organization there should be opportunity for deliberation, appraisement of candidacies and wise recommendations, and that to avoid abuses all such recommendations should be the subject of appeal to the party members with whom the choice of candidates should finally reside.

You will recognize, of course, that what I have said is virtually a restatement of what I advocated years ago. I have never favored the so-called open primary. I have never believed in attempts to destroy party organization. The experimentation which has been going on throughout the country has served to confirm the views that I formerly held, and I believe that I would have been quite ready to change them had experience shown that they were unsound. I do not believe that the old-time party convention should be restored, for while it might work well for a time, it would in the absence of suitable checks give opportunity for the wrongs and selfish control of party machinery which brought the old convention into contempt. We need not return to such conditions. All the advantages of action through representative bodies can be secured while at the same time control can be assured to the party members so that they will be fully conscious of their power and keenly sensible that what is done in the party name is done not because the machinery is contrived to prevent the expression of their views, but because they are reasonably content with the action of their representatives.

In what I have said, I have not referred to so-called presidential primaries, with which we have had much experience of late. This subject is an entirely separate one from that of State and local primaries which I have discussed. This is so for the obvious reason that we could not have, even if it were thought desirable, an open presidential primary, or a primary to make nominations of candidates for President without a party convention, on any proper basis, unless there were a federal primary law providing uniform regulations for the primary and fixing a primary day for all the States alike. But the Constitution of the United States gives no authority to Congress to provide for presidential primaries. The Constitution provides for the election of the President and Vice-President by Electors and that "each State shall appoint" these Electors "in such manner as the Legislature thereof may direct." The manner of selecting the Electors of a State is thus confided to the Legislature of that State and there is no provision which can be deemed to give any authority to Congress to establish a primary system for the nomination of candidates for the offices of President and Vice-President.

The question then of primaries is

essentially a State question. It will be solved in each State in the light of the traditions and experience of that State, but the goal should not be misunderstood. The aim is not to burden the citizen with unnecessary political activity. It is not to leave the party voters impotent to fight despotism and corruption within the party, because of the extreme difficulty in dislodging unfaithful party leaders. It is in giving to the party voters the checks upon leadership which will make it responsible and put it under control, while at the same time preserving the opportunities for party conferences and avoiding unnecessary contests within the party in order that, in the endeavor to secure freedom from intolerable abuses, the efficiency and reasonable requirements of party organization should not be impaired.

AN AMERICAN GARDEN CITY[1]

BY THOMAS ADAMS

Town Planning Adviser to the Canadian Government

A garden city is newly built from the ground up. It is planned to secure maximum economic returns, beauty, health and recreation. Proper balance is maintained between residential, recreational, industrial and agricultural areas. It pays its own way. :: ::

A garden city is needed in America as a practical object lesson in solving many problems in connection with the building of cities and towns. Those who question that need are welcome to their enjoyment of the exhibition of waste, incompetence and muddling which is provided by the modern city. On the whole the industrial community is probably the worst product of civilization in all countries—and we have nothing much better to show in that regard in the United States and Canada than in some of those countries we call decadent.

THE LETCHWORTH GARDEN CITY

Before entering upon a statement of how and where to establish a garden city in America I must show what I mean by a garden city by giving an outline of the history and standing of the English Garden City at Letchworth:

The garden city movement was started in England as a result of a book written by Mr. Ebenezer Howard, published in 1898. Only two experiments have been initiated on the lines advocated by Mr. Howard. The first is at Letchworth and the second at Welwyn, both in Hertfordshire, England. The most advanced scheme and the one which is best known is the first garden city at Letchworth.

For the purpose of starting this scheme on the principles advocated by Mr. Howard, a number of separate properties were purchased in 1903, comprising a total area of 3,818 acres; an additional area of 750 acres has since been acquired. This land was purely agricultural in character, although two or three small villages or hamlets, occupied mostly by agricultural labourers, were situate on the estate at the time of its purchase. An essential part of the scheme is that a portion of the land shall be retained permanently for agricultural purposes and shall not be used for urban development. About 1,300 acres or one-third of the original Letchworth Estate have been set apart for the building of the town and for open spaces, and the remaining 2,518 acres, now increased to 3,268 acres, have been definitely reserved for agricultural purposes.

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[1] A paper delivered before the Sixteenth Annual Convention of the American Civic Association at Amherst, October 14, 15 and 16, 1920.

These particulars of the scheme indicate that among its fundamental features are:

1. The purchase of an agricultural estate unhampered by existing urban development on which to establish an industrial and residential town, principally by securing as a first step a concerted movement of manufacturers from congested centres.
2. The restriction of the area set apart for the building of the city in such a way as to retain a large proportion of the site for agricultural purposes.

Starting with a purely agricultural property and with these two objects in mind the garden city company had the advantage of being able to experiment in the system of land tenure that would encourage the use of land, instead of the exploitation of those who use it, and to plan the area for the purposes of promoting health, industrial efficiency, financial soundness and amenity.

In order to carry out the above objects it was necessary to impose regulations regarding the disposal of the land and to limit the amount of profit that could be derived by those who provided the capital. At Letchworth, the land was leased for 99 years to the person building a house or factory, with the right of renewal for further periods of 99 years, and I believe there are some cases where factory sites have since been leased for 999 years. The system of leasehold tenure is not sufficiently understood on this continent to make it likely to be acceptable. It is probable that some system of ownership will have to be devised, with proper restriction attached, if a scheme were started in Canada or the United States.

With regard to the finance of the Letchworth scheme, the following summary gives a rough idea:

Total cost, approximately, $680,000.
Capital, company shares, loans, mortgages, etc., approximately in 1919, $2,600,000.
Gross value of land and undertakings in 1919, $3,400,000.
Cost per acre, $225.00.
Value of buildings, timber, etc., $125.00 per acre.
Net cost per acre, $100.00.
Distance from London, 33 miles.
Population 1903, 450; 1920, approximately, 10,000.
Number of inhabited houses, factories, etc., 2,500.
Different kinds of industries, 30.
Ultimate population aimed at, 35,000.
Ground rents, $44,000.
Ground rents capitalized, $880,000.

There are gas works, electric power works, water supply works, sewage disposal system and other public services. When the estate was purchased there was considerable mileage of existing roads. Since then, ten miles of new roads, twenty miles of water mains, fifteen miles of gas mains and fourteen miles of sewers have been laid.

The following points should be noted:

1. The garden city form of development has the advantage of avoiding the evils incidental to single industry towns. Letchworth has a greater variety of industries than the average town and one of the objects aimed at by its promoters is to secure this variety so as to employ different kinds of labour.
2. It provides also for the inter-

mingling of those engaged in manufacture and agriculture.

3. It is a self-contained town and not a mere dormitory suburb and should not be confused with smaller experiments or with single industry towns.

4. By mixing industries and mingling town and country life you not only get more healthy conditions but reduce the waste of time and money in conveying passengers between the home and the place of employment and also in the cost of distribution of food.

5. By limiting the dividends of those who provide the capital and by preventing speculation in land, the whole of the increment of value created by the conversion of an agricultural site into a building site for a town, together with the profits made by public services, can be used for the benefit of the city and the inhabitants.

The interest on mortgages and debentures has been regularly paid but there are arrears of accrued interest amounting to about $830,000 on ordinary shares.

The question of the financial results is important but too much reliance should not be placed on any criticism of the scheme based on the mere facts regarding the dividends paid at Letchworth. The scheme has suffered very considerably from lack of capital and its chief drawback, from a commercial point of view, has been the fact that the directors have continually had to work from hand to mouth in obtaining the funds necessary to develop the city. Moreover, they have been doing a unique thing and have naturally made the errors of pioneers. They have paid for experience that is available as an asset to others who follow. The death rate in Letchworth in 1918–19 was 10 per 1,000, the infantile death rate 30 per 1,000 births, and the birth rate 17.5 per 1,000.

The above is a brief outline of the English experiment in creating a garden city for the purpose of indicating first, the main underlying principles of the scheme and, second, a few of its financial features.

THE LETCHWORTH SCHEME NOT A PATTERN TO BE RIGIDLY FOLLOWED

In considering the establishment of a garden city in the United States or Canada we should keep these principles and financial features in mind but should not regard them as committing us to any definite policy or form of development. The Letchworth scheme has shown what to avoid as well as what to imitate—that is the value of an experiment. It has had some administrative weaknesses. It has shown that it is necessary in starting a scheme to have sufficient capital to purchase the site and cover the cost of preliminary development—and that it is desirable to have additional capital to cover some of the cost of building houses and factories. Had the directors of the Letchworth scheme been able to raise $2,000,000 to $3,000,000 at the outset their task would have been enormously simplified and everything that has happened points to the probability that, in such an event, the city would be now near completion and would be paying full dividends on ordinary stock.

Another defect in administration of the Letchworth scheme is that a large board of directors has tried to do too much of the management and has not entrusted sufficient power to a paid executive. Nor has the board striven hard enough to obtain sympathetic co-operation from the residents.

In regard to general principles on which the scheme was promoted experience has shown that these were sound, to meet English conditions.

It does not follow that they are

sound in every respect to meet American conditions, or that the Letchworth scheme is a mould to be used for stereotyping all other garden cities. The future success of this form of development will depend on the common sense applied to adapt it to suit different circumstances, laws, and conditions. It is capable of elasticity, subject to a few fundamental principles that are easily defined. Although it would be fatal to treat any one scheme as a pattern for others there must be adherence to the following principles in all schemes professing to be garden cities:—

First:—Delimitation of part of the area acquired for the scheme as a site for the city proper and of part as an agricultural belt round the city.

Second:—Provision for a manufacturing section to provide employment for the bulk of the residents of the city.

Third:—Planning of the whole urban and rural sections in advance of development, with a view to securing ample air and garden space and good surroundings for the homes, parks and other recreation spaces, efficient means of transportation and other facilities for the industries, convenience for traffic, and economic use of the land.

Fourth:—Limitation of the dividend payable on capital subscribed by investors, and of the profit which may be made by means of speculation in land and buildings by companies or individuals.

The application of these principles in detail may differ in different schemes. At Letchworth about 1,300 acres are set aside for a city of 35,000 and 3,218 acres or nearly 72 per cent for a permanent agricultural belt. In another scheme a larger or smaller area may be determined for the site of the city, or for the agricultural belt.

At Letchworth the aim is to have an average of eight houses to the acre but that does not mean that this is the ideal number. Then the dividend payable may be six or seven per cent instead of five as at Letchworth; or the land may be sold to individual purchasers instead of let on lease if adequate measures can be taken to prevent change of use, or injurious use and speculation.

Objection may be taken by many to any suggestion that the land should be sold. Personally I would not support such a suggestion in an English scheme because English people are accustomed to leasehold tenure and it has great advantages over freehold in connection with the administration of the scheme. Some of the directors of the Letchworth scheme have been favourable to selling land on the ground that this would provide them with much ready capital. But the fact that the company has not parted with any of the freehold means that the whole increase in the value of the land is accruing for the benefit of the community. It is not, however, an essential part of a garden city that the land be let on leasehold and in a country where freehold is customary it may be necessary to sell the land to individual users. More care would have to be taken, however, with a system of freehold ownership than with leasehold tenure, in imposing restrictions on use and speculation, partly under deed of sale and partly under a zoning ordinance. I have come to believe that the advantages of private ownership of land by persons occupying and using the land are not to be lightly regarded and I see no objection to such persons enjoying benefit from the values which accrue to such property from their own efforts or expenditures. They should not, of course, benefit from any value which accrues from community expenditures, but that is a matter that can be adjusted by an equitable system of taxation for which the local government is responsible.

The disadvantages of private ownership of land from the point of view of the public welfare are not incident to proper use and occupancy except to the extent that is due to neglect to impose equitable taxation but to non-use when it is held for speculation, or to abuse or improper use when it is occupied by buildings that are unhealthy or excessive in height or by anything that is a nuisance. This non-use or abuse is preventable by legislation and particularly by city planning legislation, the want of which is the chief cause of the bad results of land ownership.

THE CREATION OF A GARDEN CITY IN AMERICA

Having the above facts and principles in mind how do we proceed to form a garden city? We need a site, but in order to enable us to select the proper site we need to determine first what kind of scheme we propose to carry out. The site should be selected to suit the scheme and not the scheme to suit the site; hence our first task is to determine what the scheme shall be.

Some idea of this has already been given. We should aim at a city larger than Letchworth to secure the social advantages necessary to make a prosperous self-contained community. The area for the city should be large enough to take care of a population of from 50,000 to 100,000. Let us adopt the former figure for purposes of illustration, and let us assume first that we plan for an average of eight houses or forty persons to each acre, with an industrial area of one-fifth the residential area, and with an agricultural belt twice the size of the whole residential and industrial area. We shall then have:—

Residential area	1,250	acres.
Industrial "	250	"
Agricultural "	3,000	"
Total "	4,500	"

An estate of approximately this size has to be purchased. What should it cost? This will depend on a number of factors which must be known before it can be decided what capital is needed. A property costing $200 per acre may be dearer than a property costing $500 having regard to its situation and potentialities but it is unlikely that a higher price than $500 need be paid. The site need not be immediately adjacent to an existing large city but should be within forty-five minutes by rail from such a city, no matter what the distance may be. It should be accessible to the existing city by good roads and have trolley connection. It will be an advantage to have a waterway but not essential. A supply of power will be needed and if it already exists will be an added asset in valuing the land. An ample water supply will be needed for 50,000 persons and for the factories occupying 250 acres. The site should be capable of being economically drained. An existing station for passengers and freight will be a disadvantage, as stations are usually surrounded by existing buildings and land is accordingly higher in price. It is easy to get a station when the need for it is established. The land should be intersected by at least one good trunk railroad. The land should be fertile and easily cultivated so as to encourage gardening and small farms. There appears to be no question that such a site can be obtained in the United States or Canada at a reasonable price.

In selecting the site and deciding

what initial development to undertake we have to bear in mind that we must offer sufficient attractions to manufacturers to draw them to the locality. The things a manufacturer needs are those things that at present are causing him to move his works from the crowded cities to the outer suburbs. They are:—

Cheap land and room for getting light and airy buildings as well as for future extensions; reasonable assessment and full value for taxes paid; cheap electric power; good living conditions for workers near to factories; good railway facilities, which include facilities for access to railroads for switching to secure economy in shipping and receiving freight; and absence of congestion of streets. These and other matters should be considered both in selecting the site and preparing the plan.

Another element that should be catered to as a means of helping the city to grow in the early stages is a resident population comprising people who want homes but who work in other places; for instance in the near-by existing city. It is not of primary importance to provide for this class and the garden city should not be built up as a mere dormitory for the bigger community, but it is helpful in getting the city founded to have a good residential section. Moreover, it keeps the new city from becoming entirely industrial and introduces amenities that can only be obtained with good residences. It encourages professional men to come to the city and is indirectly helpful to the establishment of industries as it provides the social attractions needed for masters and managers who are usually not indifferent to their own comfort in selecting a site. For this element there must be provided an area quite free from the smoke and noise of the factory area. Factories in any case should be placed on the side of the town where the prevailing winds blow the smoke away from the central and residential districts. On an estate of 4,500 acres there is ample room for both kinds of development. The placing of parks and parkways would have the effect of separating the two areas. A golf course and good inn are a necessity from the outset. With cheap land, protected surroundings, a pure water supply, good drainage and rapid means of communication to the big centre a magnet would be created strong enough to draw many purchasers of lots on which they could erect good homes.

The garden city would have all the advantages of preventive zoning, with such things as an agricultural belt, which no existing city can acquire. Its taxes would be comparatively low because the things that cost most money in a city would cost little. The park areas would consist of lands least adaptable for building and be set aside as part of the development and their cost merged in the price of the building lots. The wide main thoroughfares would cost nothing extra because they would be complementary to narrow residential roads. Pavements would be economically designed to suit the industrial and residential districts. Concentration of the factory area on the railroads would lessen the cost of transporting goods with its usual double or treble handling and injury to the surfaces of roads. Sewers, water mains, and pavements would not be constructed along great lengths of vacant lots between scattered buildings but would go slightly in advance of building needs.

It has been suggested that the present is not a time to start a garden city because costs of construction are high. But it is precisely while this is the case that the real advantages of a garden city can be demonstrated. The savings in development which are possible in a garden city would be proportionately greater in times of high prices than in times of low prices.

QUESTION OF FINANCE

To establish such a city the very first step to take is to form a pioneer company to draw up a scheme, interview manufacturers likely to move, investigate sites, employ engineering advice re water supply, drainage, etc., and acquire an option of a suitable property. The main company with larger capital should not be formed till the pioneer company has done its work. The pioneer company would require a small capital of $100,000 to $250,000. Its directors should be men who would command confidence. The co-operation of the press should be secured. All the London papers gave a free advertisement of the prospectus of the Letchworth Pioneer Company. The capital provided for the operations of the pioneer company should bear interest at seven or eight per cent and shares of equal value should be given to the stockholders in the main company when formed. Those who took shares in the pioneer company should have it made clear that the money might be lost if the scheme did not proceed beyond the pioneer stage.

When the sites were selected and some manufacturers persuaded to take sites the next step would be to form a corporation with a capital of $5,000,000 to develop the property, build roads, install water, electric power, etc.,—and erect the first houses.

The question of site, however, is one for painstaking investigation. That one can be obtained of suitable character and situation I have no doubt. Nor do I think that the problem of getting the needed capital is difficult of solution. The real difficulty is the primary one of getting a number of men with business capacity, courage and high resolve to give their time as directors of a pioneer company, and to raise $100,000 to $250,000 to carry out the preliminary work of promotion and investigation.

I have said that the main purpose of such a scheme is to be an object lesson for the American continent. The garden city of England is not much of a success as a commercial enterprise for reasons I have given, but these need not apply to a new experiment on this side. It is not a solution of the housing problem but it has been an excellent guide to show how it can be solved. It has revolutionized public opinion with regard to the methods of dealing with the problem of housing. It has created the atmosphere necessary to cause the government of England to pass an effective town planning act. It has proved that a city or town can be created from the foundation upwards and made commercially successful. It has indicated how to solve the land question without confiscation, and with financial benefit to the community equal to what can be obtained by measures that are confiscatory in respect of private rights.

The stock of the pioneer company should be raised in ordinary shares at seven or eight per cent interest, accumulative. Any further capital should be obtained in debentures secured on the property at the lowest interest possible according to conditions in the financial market. The scheme should not be floated with less than $3,000,000 or about $650 per acre for 4,500 acres.

WHERE THE FIRST SCHEME SHOULD BE STARTED

The first scheme would be by way of experiment as an object lesson. It is essential that it should be located in the position most likely to command success. Having regard to all the factors necessary to contribute to that success I think there is no doubt that the best locality would be somewhere on the eastern seaboard of the United States. I believe the people of Massachusetts could establish a successful garden city near Boston. Probably a better site in many respects would be obtainable on the main railroads between Philadelphia and Baltimore. In both localities there are the factors of individual wealth, of existing and overgrown manufacturing centres, of home-loving instincts and habits, pressure of high taxation, congestion of traffic, good railroad and trolley facilities, nearness to ports, good land, beautiful landscape features, a cultured population, and a broad-minded and influential press. The English garden city has done more as an object lesson in a few years to educate the people of England than fifty years of talk about housing. It has shown that the application of science is as essential to the building of a city as it is to the development of industry.

Its economic basis rests on the certain increase in the value of the land due to its conversion from agricultural to building uses. The following paragraph from a report of Dr. Murray Haig consolidates the results of an analysis of the increase of land values created in the city of Gary, Indiana:—

> The market value in 1906 of the land in Gary excluding that occupied by the plants of the steel corporation, is estimated at $6,414,455, and the present value at $33,445,900. The increase in the ten-year period, therefore, amounts to $27,031,445. The examination of the value of the services rendered by those who have come into possession of this increment indicates that an allowance of perhaps $200,000 should be made for necessary administrative expenses, that not more than $1,000,000 should be credited because of taxes advanced on unused lands, and that $4,025,712.70 should be allowed as having been paid by land-owners for local improvements. The total money value of the services of these beneficiaries of the increment amounts then to $5,225,712.70. The amount of the increment which might conceivably have been conserved is thus found to be $21,805,732.30.

The author of this statement admits the possibility of some factors being overlooked, but regards his estimate of increment value as conservative. But even if the value were half the amount given in the estimate, that would be a substantial profit, arising from the creation of a community over a period of ten years.

The investigations made by Dr. Murray Haig and others in the United States show that a fair estimate of the increment of land-value produced by community development, after deducting the value which is attributed to all expenditures for local improvements, etc., is from $400 to $450 per capita. The assessment valuations of Canadian cities confirm this figure. Taking the lower figure, it may be estimated that the creation of a new town of 50,000 people may create an aggregate increment of value of $20,000,000. To this has to be added the profits realizable from the usual municipal services, including transportation, water, power, and light, having regard to the great economy that can be exercised in constructing works on a large scale to supply a demand which is known in advance, and to the saving in heavy costs for land and promotion.

Where a rapid growth of population can be relied on and the site obtained at agricultural rates, it is evident that enormous profits can be made by the creation of new towns.

A REVIEW OF CITY PLANNING IN THE UNITED STATES, 1919-1920

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It has been the long-time policy of the REVIEW *to publish an annual report of city planning progress in the United States. The 1917–1918 and 1918–1919* REVIEWS *were also prepared by Miss Kimball.* ::

THE quantity of city planning news and publications within the year makes it necessary to pass very briefly over many subjects of importance and to omit specific reference to many cities where good work is under way. While definite progress in all quarters was not to be expected, the total progress of the year is considerable. There are frequently to be remarked a greater alertness of the official mind, a desire for competent advice, and a more wide-spread public support; and several favorable court decisions have been handed down, giving solidity and impetus to public-spirited effort.

REGIONAL, STATE, AND NATIONAL PLANNING

The necessity for considering a broader area than city or town in any well-grounded development scheme has found notable expression in Mr. Warren H. Manning's Birmingham (Alabama) plan discussed later in this article. Mr. Manning has also been conducting regional studies about Cleveland. The Division of City Planning of the Pennsylvania State Bureau of Municipalities has been making a regional survey of the Wilkes-Barre region as a practical demonstration to the cities and towns of the state of the methods and value of such work. It is interesting to note in comparison the survey being conducted for the coal regions of South Wales by the Regional Survey Committee appointed by the British Ministry of Health. The employment of the airplane for photographic survey work in the war has stimulated its use, in both England and America, for airplane views of cities; and the obvious adaptability of a series of aerial views for metropolitan district or regional survey purposes has already been recognized. Of the large cities of the United States, Philadelphia, Cleveland, and Dallas have had airplane surveys within the year directly in connection with city planning activities.

At the meeting of the American Civic Association at Amherst, Massachusetts, in October, 1920, national planning occupied an important place on the program. Just as it is now realized that the political city is not an isolated unit to be independently planned, so the regional plan is coming to be conceived of as part of a state plan and a nation-wide plan. An admirably expressed paper by Mr. F. L. Ackerman has already laid this subject before the readers of the REVIEW (January 1919). In the matter of highways, the conception has taken root;

and the "National Highway" movement has received strong impetus during 1919 and 1920. Railroads and national waterways are also under public consideration. The necessity of broad planning of national channels of transportation and national gateways, and coincidently of national forests, parks, and conservation areas—of the nation as a vast unified organism—finds two able advocates in Mr. Cyrus Kehr of Washington (Chairman, Joint Board on Nation Planning) and Mr. Warren Manning already mentioned. Mr. Manning's extremely suggestive national-survey studies (originally prepared for exhibition in 1918) were exhibited at the Amherst convention, where Mr. Kehr gave a paper: *A Nation Plan, a Basis for all Local Planning*. This paper is a condensation of the ideas expressed in a longer paper[1] prepared for presentation to the American Engineering Council in Chicago, September, 1920. Mr. Herbert Hoover sounded a challenge when he said recently before the national gathering of Mining Engineers:[2]

> "The time has arrived in our national development when we must have a definite national program in the development of our great engineering problems. Our rail and water transport, our water supplies for irrigation, our reclamation, the provision of future fuel resources, the development and distribution of electrical power, all cry out for some broad-visioned national guidance. We must create a national engineering sense of provision for the nation as a whole."

Although the conception of a national plan is vast, it should not for this reason be pushed aside as impossible. It is something to work towards. We must learn to think in national, state, and regional terms if we would make permanently successful city plans.

NEED FOR COMPREHENSIVE LEGISLATION

We need the national bureau for housing and town planning information and research proposed in the Tinkham bill, which it is hoped will be revived in the coming Republican congress. We need more state bureaus similar to that maintained by the State of Pennsylvania already referred to. It is worth recording that as a result of the recent re-organization of state departments in Massachusetts, in the department of public welfare there was established a division of housing and town planning (superseding the Massachusetts homestead commission) which, when it gets into active operation, should have a stimulating effect on the planning boards in Massachusetts created under the compulsory law of 1913, as the California state commission of immigration and housing has stimulated the planning of rural lands in California.[3]

One of the specific needs for enabling legislation expressed during the year by cities actively engaged in city planning work is the power of adopting home rule charters (as in California), which will bring with it the power to create city planning commissions with adequate authority and the ability to extend the bond limit to finance city planning projects. Power of excess condemnation is also actively sought, especially in Illinois and Michigan.[4] State zoning acts are required in certain states to make zone plans legal. Recent favorable court decisions in zoning questions (discussed later in this article) have established more firmly the legality of the purposes of city planning.

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[1] *A Nation Plan, A Basis for Co-ordinated National Development.* Preliminary Discussion. Washington (The author, 605 Seventh Street, N. W.), 1920.

[2] The text of his address is given in the *Engineering News-Record* for September 16.

[3] The recent book by Dr. Elwood Mead *Helping Men Own Farms* should be here noted as one of the most important contributions of the year to the rural planning problem.

[4] Michigan excess condemnation act. An amendment to the Constitution of the State of Michigan as adopted

Fortunately for those who are seeking to secure legislation, we now have a publication which can be widely used for reference and for distribution purposes. Mr. Frank B. Williams's *The Law of the City Plan*[1] contains a concise statement of existing city planning legislation together with text of selected statutes and a list of court decisions.

COMPILED INFORMATION ON CITY PLANNING SUBJECTS

This publication by Mr. Williams is one of a series of valuable supplements issued recently by the REVIEW. The other two of particular value to those engaged in city planning are: *Zoning* by Edward M. Bassett (May 1920) and *The Assessment of Real Estate* by Lawson Purdy (September 1919). The zoning pamphlet contains an important statement of the principles of zoning, a brief summary of ordinances and court decisions in the United States, and a bibliography.

Another important enterprise in making compiled information on city planning available for general use is the bulletin just being issued under the auspices of the National Conference on City Planning,[2] entitled *Municipal Accomplishment in City Planning and Published City Plan Reports in the United States.* The facts contained in the bulletin (largely based on questionnaires issued by the Detroit City Plan Commission) cover progress in the carrying out of city planning projects, methods of public education employed by various municipalities, difficulties encountered, and suggestions from the experience of plan commissions. In addition, the bulletin contains for each city a list of city plan reports issued, 1900 to 1920.

There is also in course of preparation a *National Record of Zoning* to be published by the American City Bureau, containing digests of all zoning ordinances and summaries of court decisions in the United States. *The Manual of References on City Planning* will be published by the National Conference on City Planning as soon as a sufficient number of advance subscribers is assured. This will supplement the Selected List published by the Conference in 1915.

At the suggestion of members of the American City Planning Institute, a list of *Ready References for the Shelf of a City Planning Commission* was prepared by the Harvard School of Landscape Architecture library and has been widely distributed to plan commissions, libraries, and to members of the Institute, who are constantly being asked to recommend lists of city planning publications.

During the year, the first paper of the American City Planning Institute has been issued, being an introductory statement to a contemplated series of technical papers. This first paper is entitled *Principles of City Planning.* It is based upon a report made by a sub-committee of the Institute, of which Mr. Frederick Law Olmsted was chairman, and is published under Mr. Olmsted's name. It has, however, been thoroughly discussed at several meetings of the Institute and has been adopted as an official statement of the Institute by a vote of not

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by the Legislature in extra session 1919, to be submitted to the vote of the people, November 1920. Detroit, Published by the City Plan Commission, November 1919.

[1] Supplement to NATIONAL MUNICIPAL REVIEW, October 1920.

[2] 60 State Street, Boston (price of the bulletin 40c).

less than three-fourths of all the members.

PUBLIC EDUCATION IN THE PRACTICAL VALUE OF PLANNING

Two little books have appeared during the year intended to further public knowledge and appreciation of the value of town planning. Mr. John Nolen's *New Ideals in the Planning of Cities, Towns, and Villages* was originally prepared for educational work in the A. E. F., but was revised for publication by the American City Bureau. Although most of the ideals in the little book are not new, nevertheless they are clearly and convincingly stated, and the book should have wide circulation, especially in cities and towns not yet imbued with a progressive spirit in regard to public improvements. Mr. F. N. Evans's book, *Town Improvement*[1] is intended to serve much the same purpose.

An educational bulletin, *Zoning as an Element in City Planning and for Protection of Property Values, Public Safety, and Public Health* by Lawson Purdy and others has been issued by the American Civic Association[2] which ought to be very useful for propaganda purposes in cities where work on a zoning plan is being started.

In several cities, circulars and leaflets have been issued for the benefit of the public whose support is desired for city planning projects under consideration. In Trenton, the Mayor himself issued an explanatory leaflet for the election of November 1919 with the successful result in securing a favorable vote for adoption of two improvements. The Dallas Chamber of Commerce Metropolitan Development Association has begun a news sheet called *The Dallas Metropolitan*, "a record and a promise of city planning accomplishments" (first number, February 1920). The Town Planning Committee of Des Moines had a poster printed in colors showing the improvements projected. The work of the Citizens' City Plan Committee of Pittsburgh affords interesting suggestions. Its recent report on playgrounds has been issued in two forms, the second being shorter and full of pictures to attract popular interest. A flier regarding the next intensive study—on streets—to be undertaken by the Committee is found tucked inside the cover of the popular edition of the playground report.

Johnstown, Pennsylvania, has recently instituted popular education on its city plan in the public schools. Although this work is just beginning, it is expected to prove a successful and interesting experiment. Following the meetings of the National Conference on City Planning last April, Cincinnati is launching a city planning campaign, described in Mr. Alfred Bettman's article in the REVIEW for July 1920. The experience of official bodies and civic organizations of various cities in the United States, as expressed in the "Municipal Accomplishment" bulletin previously referred to, shows that the public is being awakened in many cities by a great variety of methods.

OFFICIAL CITY PLANNING COMMISSIONS

There has been a substantial increase in the number of official commissions actually at work. Up to November 1920, the National Conference on City Planning has a record of nearly 150 appointed city planning commissions in the United States, some of which, however, are known not to be active at the present time. A list of cities with commissions is being issued by the Conference.

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[1] New York, D. Appleton & Co.

[2] Price 25c; address Union Trust Bldg., Washington, D. C.

In Mr. Williams's *Law of the City Plan* already referred to will be found a useful summary of statutes creating commissions, with texts of certain selected acts. In 1919, both Detroit[1] and Rochester[2] issued bulletins giving the provisions under which their city planning authorities function. The Detroit City Plan Commission's work covers a wide range (T. Glenn Phillips, Secretary and Consultant), and fortunately meets with active co-operation from the city council. In the Rochester Bureau of City Planning, the "Superintendent of City Planning", Mr. E. A. Fisher, is given, by the charter provision, unusually great authority to carry out the city plan, without submission to the common council as is required in most cities.

It is to be hoped that the information about official city planning commissions in the United States, just assembled by Mr. George B. Ford and presented before the City Managers' meeting in Cincinnati in November 1920, will soon become available in some printed form.

PROGRESS IN CARRYING OUT PROJECTS

A publication recording notable progress in the construction of a monumental scheme was issued in 1919 by the Fairmount Park Art Association, concerning the Fairmount parkway.[3] The book contains before and after pictures of the parkway area, colored plans and section, and architectural sketches of the proposed public buildings along the parkway.

The Chicago Plan Commission at its meeting in April 1920 celebrated the tenth anniversary of the issue of the Chicago plan. The report of proceedings was issued as a bulletin of the Commission,[4] constituting a noteworthy record of real progress. Several more important features of the Chicago plan are now under construction or in advanced stages of legal procedure; indeed on November 4, 1919, the voters of Chicago passed $28,600,000 of bond issues for Chicago plan improvements by majorities of nearly 100,000.

St. Louis and Detroit are conspicuous in record of accomplishment, and the waterfront development in Baltimore and Philadelphia should not be passed over without mention. The improvement of the riverfront at Albany for recreational and terminal purposes is proceeding, much already having been accomplished. It is impossible to mention in detail the many instances of constructive work during the last year, and the reader who desires a fair view of city planning progress should secure and study the Municipal Accomplishment bulletin.

It would be instructive to other cities and to students of city planning, if all commissions should issue their procedure programs in such convenient form as that of Brockton, Massachusetts, published in its 1918 report (A. C. Comey, consultant). Progress could then be checked with project in a striking fashion.

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[1] Charter Provisions for the City Plan Commission, effective March 1, 1919. Detroit, Published by the City Plan Commission, April 1919.

[2] Rochester, N. Y., Bureau of City Planning. Organization of bureau. 1919.

[3] Fairmount Park Art Association. The Fairmount Parkway; a pictorial record of development from its first incorporation in the city plan in 1904 to the completion of the main drive from city hall to Fairmount Park in 1919.

[4] Chicago Plan Commission. Ten years' work of the Chicago Plan Commission, 1909–1919. Proceedings of the nineteenth meeting of the Chicago Plan Commission. April, 1920.

ZONING

There is a certain popular appeal about the word "zoning" which is now recognized as "putting over" the idea better than the word "districting" which was up to a year ago commonly in use by technical men. Zoning has lately become the most active field of city planning. A complete summary of recent zoning work would be impossible at the scale of the present article; for this, the reader should consult Mr. Bassett's zoning supplement to the May REVIEW and the forthcoming American City Bureau record already referred to. Several important court decisions can be added to the list of those cited in support of the legality of zoning. The Minnesota supreme court reversed in January 1920 an earlier adverse decision. The East Cleveland (Ohio) zone ordinance has been upheld; and the New York city decision of last July states in unmistakable terms the validity of the zoning principle.[1] The Massachusetts supreme court rendered a similar advisory opinion in advance of the recent passage of the Massachusetts state zoning act.

Zoning reports have been published by St. Louis, Newark, Portland (Oregon), Rochester, Detroit, Milwaukee, Brockton, and Cambridge Massachusetts. The East Orange report (by Goodrich and Ford) is now in press; Omaha's zone ordinance (Harland Bartholomew, consultant) has been passed; Washington, D. C., by Act of Congress, has had a zone plan prepared (also by Mr. Bartholomew); zoning was especially urged in the first Buffalo City Plan Committee report; Chicago is working for a zone plan;[2] White Plains[3] and Yonkers, New York, have had ordinances drafted by Mr. H. S. Swan; and a score of cities have plans well underway; to mention a few, widely scattered: Cleveland, Ohio, Dallas, Texas, and Lakewood, Ohio (R. H. Whitten, consultant); Pittsburgh, Pennsylvania, Evanston, Illinois, Hamilton, Ohio, Lansing and Jackson, Michigan (Harland Bartholomew); Mansfield, Ohio (Goodrich and Ford); Sewickley, Pennsylvania (T. Glenn Phillips), and Spokane, Washington (C. H. Cheney).

The Newark,[4] White Plains, and Yonkers ordinances group themselves as containing a limitation of the number of families per acre for each class of area district, in accordance with Mr. Swan's theory that this restriction will prevent undue congestion of population. Other ordinances, such as Mr. Comey's proposals for Milwaukee,[5] Brockton,[6] and Cambridge,[7] rely on bulk restrictions to produce the same result. The Brockton and Cambridge reports are distinctive in combining height and area restrictions under bulk districts. The latter publication contains an exceptionally clear and comprehensive series of explanatory building bulk diagrams to accompany the provisions of the proposed ordinance. The Milwaukee report[8] repays careful study. The Portland, Oregon,[9] ordinance, not passed, is embodied in a bulletin of the City Planning Commission.[1] This ordinance, in common with others of the Pacific coast on which Mr. Cheney has advised, differs from certain Eastern zoning laws in its insistence on the single-house district, required by local custom.

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[1] See the REVIEW for October 1920, p. 619.

[2] Chicago. Citizens' Zone Plan Conference. Report of proceedings (of Conference), in co-operation with the City of Chicago and the Civic Organizations of the City of Chicago. Chicago, Union League Club, December 1919.

[3] See Article in REVIEW, October 1920, p. 626 ff.

[4] Newark, New Jersey, Commission on Building Districts and Restrictions. Proposed building zones for Newark: tentative report. September 16, 1919.

[5] Milwaukee Board of Public Land Commissioners. Zoning for Milwaukee. Tentative report. June, 1920. (Ordinance now passed.)

[6] Brockton City Planning Board. Suggested form for zoning ordinance in Brockton, Massachusetts, as recommended, July 1920.

[7] Cambridge Planning Board. Zoning for Cambridge. Report, 1920.

[8] See August number of REVIEW, p. 516.

[9] See August number of REVIEW, p. 516 (but defeated on referendum.)

The Rochester[2] regulations apply only to use districts, and form the first step in a comprehensive scheme. On promulgation by the superintendent of City Planning the rules became effective and he has large discretionary powers of interpretation and amendment. The Detroit comprehensive zone plan[3] is represented in a report of the City Plan Commission[4] and is still underway; but meanwhile regulations have been passed by the common council "providing for the protection of certain sections where more than 60 per cent of the frontage in any particular block was residential."[5] The St. Louis report,[6] as of June 1919, is "intended as a final summary of the methods and work undertaken in connection with the preparation of the zoning ordinance," and it is hoped will "help to create a better understanding of the purpose of the zoning plan". The St. Louis ordinance in operation, as likewise New York's, gives great cause for encouragement.

PLATTING CONTROL

In Mr. Williams's *Law of the City Plan,* ten selected laws are cited which forbid the record of plats without the approval of the municipality. Four published sets of platting regulations should be noted by those interested in this extremely important field of city planning. The rules and regulations of the Rochester bureau of city planning[7] were largely taken as a model by the city planning commission of Portland, Oregon.[8] The ordinance of Revere, Massachusetts,[9] a city not otherwise active in city planning, repays study, and the rules and regulations adopted by Akron city planning commission[10] with the advice of Mr. A. S. DeForest are also of interest.

HOUSING

The general subject of housing, at present actively before the public mind owing to the acute shortage of homes, is well covered elsewhere by Mr. John Ihlder and Mr. Lawrence Veiller. A few items only, particularly related to city planning, can be mentioned here. Volume I of the Report of the United States Housing Corporation is out, describing the work of the divisions other than the Design divisions (already covered in Volume II issued a year ago) and containing photographs of constructed housing developments. The United States Shipping Board did not issue a published report but much of its procedure and many of its housing schemes are recorded in Mr. Morris Knowles' book *Industrial Housing*[1] just published. The author acknowledges his indebtedness to his colleagues in the Shipping Board and to the members of his firm and points out that the book, like an industrial housing development, is an example of "co-operative design". There is much newly collected information in the volume relating to construction, which will be very valuable to those undertaking housing studies.

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[1] Portland, Oregon. City Planning Commission. Proposed building zones for the city of Portland, Oregon; as tentatively recommended by the neighborhood property owners' meetings and the City Planning Commission. Bulletin no. 4. November 1919.

[2] Rochester (New York) Bureau of City Planning. Rules and regulations for use districts. Adopted September 22, 1919. Amended November 26, 1919.

[3] See the REVIEW, August 1920, p. 516.

[4] Detroit City Plan Commission. A building zone plan for Detroit. November 1919.

[5] See the REVIEW, September 1920, p. 581.

[6] St. Louis City Plan Commission. The zone plan. St. Louis, City Plan Commission, June 1919.

[7] Rochester (New York) Bureau of City Planning. Rules and regulations relating to laying out, dedication and acceptance of streets, etc. 1919. 10p.

[8] Portland, Oregon, City Planning Commission. Regulations adopted by Commission relating to laying out, dedication and acceptance of streets, and to the approval of sub-division and street plans, within or for six miles outside the city limits. 1919.

[9] Revere, Massachusetts. Ordinance in relation to the laying out of new streets. (Approved, 1916).

[10] Akron City Plan Commission. Rules and regulations governing the platting of land, adopted June 15, 1920. (Bulletin no. 1.) July 1920.

Two housing reports of city planning commissions have come to the writer's notice. In the *Boston City Record* for July 17, 1920, was published the *Report of the Planning Board on Housing Situation in Boston.* This report is merely an interesting tabulation of the results of investigation, provided for by special municipal appropriation, and an account of the methods used in securing information. The St. Louis city plan commission report[2] is more extensive and detailed, not only summarizing the situation but offering constructive suggestions. The study "was first undertaken to assist the Home and Housing Association in the selection of suitable locations for building homes" but grew into an extensive diagnosis of the housing situation of St. Louis and recommendations for types of land-subdivision and houses. These two reports are examples of the important fact that the housing problem has been officially recognized as a planning problem, not merely a matter for restriction and regulation.

TRANSPORTATION AND TERMINALS

The report of Barclay Parsons & Clapp on a rapid transit system for Cleveland[3] has been analyzed and commented upon by Mr. John P. Fox in *The American City* for November, 1919. The engineers propose shallow surface-car subways in a series of loops under the central business district of the city, providing also for future rapid transit construction. The underground surface-car terminals, as proposed, have been criticized, in view of cases in other cities where this solution of the transit problem has proved unsatisfactory. In a report by the Cambridge (Massachusetts) Planning Board,[4] the revision and enlargement of the shallow subway terminals at Harvard Square are discussed. In the report also alternative remedies are proposed by Mr. Comey for the difficult and dangerous traffic situation known to the many persons who visit Harvard University in the course of the year.

Two important papers dealing with the transportation problem have been issued by the National Conference on City Planning following its Cincinnati meeting, where the papers were presented. Mr. E. P. Goodrich's discussion of *The Urban Auto Problem*[5] brings forward some valuable suggestions. *The Unification of Railroad Lines and Service in Cities* is the result of investigation by a committee consisting of Mr. N. P. Lewis, Colonel W. J. Wilgus, Mr. E. P. Goodrich, Mr. J. P. Newell, and Mr. C. H. Cheney. The report is intended to get at a common basis for solving the railroad terminal problem and urges the early unification of railroad lines and service in cities and the prevention of further duplication and waste.

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[1] McGraw Hill Co.

[2] St. Louis City Plan Commission. The housing problem in St. Louis. June 1920.

[3] Barclay Parsons & Clapp. Report on a rapid transit system for the city of Cleveland, made to the Board of Rapid Transit Commissioners of Cleveland. 1919.

[4] Cambridge Planning Board. Improvement of traffic conditions in Harvard Square: Report of the Planning Board. 1920.

[5] Published in the NATIONAL MUNICIPAL REVIEW, July 1920.

PARKS AND PLAYGROUNDS

The first report for the Metropolitan Park District of Cleveland[1] outlines the progress of park acquisition and the program for future acquirement of parks and reservations, taking advantage of the beautiful river and creek scenery of Cuyahoga county. The report states that the park system plan was drawn up by the engineer of the board and submitted for approval to Mr. F. L. Olmsted at the time of the National Conference on City Planning meeting in 1916.

The Cleveland Foundation committee has been conducting a thorough recreation survey of the city of Cleveland, published in parts. One of the publications in the series[2] should be included in any survey of city planning reports for the year. The little book contains an analysis of the types of recreation facilities in Cleveland in relation to each other and to the city as a whole, with most interesting survey diagrams showing distribution of child population, radius of use, and kinds of recreation provided by each unit in the park system. The recreation facilities covered include besides parks and playgrounds, libraries, school centers, etc., and the report closes with recommendations for an adequate playground system for the city. Although not a city planning report, the publication entitled *Municipal Recreation and Physical Education*, report of the Oshkosh, Wisconsin, Board of Education, 1919, is worth noting as showing the appreciation of authorities in charge of public recreation of the important relations involved in the location and distribution of recreation facilities.

During the year, the chamber of commerce of Niagara Falls, New York, has issued, in multigraphed form with printed covers, the report made by Olmsted Brothers in 1917 to the Parks Board.[3] This document contains an illuminating statement of the classes of parks, their respective uses, and desirable characters, with an application of these definitions to the Park system of Niagara Falls.

The two publications[4] of the Citizens' Committee on the City Plan of Pittsburgh already referred to cover comprehensively the playground situation in Pittsburgh (Harland Bartholomew, consultant). The graphic representation of the results of the playground survey are most illuminating and the recommendations well worked out. Report 1A, a briefer popularization of the other report, is attractively gotten up. The main report is the first portion of a study of the recreation system of the city, "a part of the Pittsburgh Plan."

OTHER SPECIAL STUDIES

The Omaha city planning commission[5] issued in 1919 a study of street-widenings and suggestions (Harland Bartholomew, consultant). An inner-belt traffic way and a river drive are provided for in the report. The relation of this report to previous city planning studies for Omaha is not stated. The Detroit City Plan Commission's report on the proposed Dix-High-Waterloo Thoroughfare[1] provides for "the opening, widening, and connecting of an important cross-town traffic route for Detroit." This is the first large street-opening and widening which Detroit has had to face. The city feels that the Woodward Plan of 1805, inspired by Major L'Enfant's Washington Plan, has served well up to the time of enormous increase of automobile traffic. The report contains a set of block plans showing the types of buildings affected by the proposed improvements. The Cambridge traffic study for the vicinity of Harvard Square, and the Philadelphia and Fairmount parkway summary of progress have been previously noted. The Des Moines town planning committee, which issued its proposals in poster form,[2] provides for the extension of the capitol grounds, a civic center, and a park and major-street system. No consultant's name is mentioned on the poster.

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[1] Board of Park Commissioners of the Cleveland Metropolitan Park District. First annual report, for period beginning July 30, 1917, and ending Dec. 31, 1918. Published 1919.

[2] Haynes, Rowland, and Stanley P. Davies. Public provision for recreation. Cleveland Foundation Committee. 1920. (Cleveland Recreation Survey.)

[3] Olmsted Brothers. Parks and playgrounds for Niagara Falls, report to Chairman of Parks Board of Niagara Falls, New York. 1917. (Multigraphed and issued 1920.)

[4] Citizens' Committee on City Plan of Pittsburgh. Pittsburgh playgrounds—study and recommendations. June 1920. Report no. 1 (40 pages). Report 1A (22 pages).

[5] Omaha City Planning Commission. City Planning needs of Omaha. 1919.

After many months' study, the location for a civic centre is recommended in a report of the St. Louis City Plan Commission.[3] It is noted that, if the idea of a civic centre is adopted by the city, much further detailed study will be needed. The group plan tentatively recommended is illustrated by a bird's-eye perspective.

The Dallas Property Owners' Association, mentioned in last year's review of city planning, evinces further activity in proposing the creation of a levee improvement district along the Trinity river.[4] The reclamation of bottom lands for commercial and industrial purposes and the use of the flood channel during a greater part of the year for recreational purposes, will add greatly to the convenience and prosperity of the city and assist the now badly cramped street system.

In the annual report of the chief engineer of the New York Board of Estimate and Apportionment for 1917 (published 1919), there is a section of the greatest interest, dealing with the distribution of benefit assessments. This embodies the results of Mr. Lewis's researches into the question and is accompanied by a diagrammatic representation of recommended methods. This special study is worthy of a wider circulation in more convenient form.

COMPREHENSIVE PLAN REPORTS

The report of the Buffalo city planning committee of "The Council"[5] is a general outline of what the city needs. Civic center proposals[6] are made and zoning urged. An interesting diagram, entitled "Metropolitan Buffalo the Electric City", shows that the regional idea has been kept in mind, pursuant to the discussions at the meeting of the National Conference on City Planning, in Niagara Falls and Buffalo in 1919. The city has an active city plan office, Mr. Harry J. March, engineer, from which further reports of interest may be expected.

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[1] Detroit City Plan Commission. Dix-High-Waterloo thoroughfare. 1919.

[2] Des Moines Town Planning Committee. Capitol extension plan; Park, boulevard and traffic way system; The civic center. (Poster, with text.) 1920.

[3] St. Louis City Plan Commission. A public building group plan for St. Louis. 1919.

[4] Dallas Property Owners' Association. The Trinity River problem. Dallas, March 1920. (Bulletin no. 3.)

[5] Buffalo City Planning Committee of "The Council". First annual report. October 30, 1918–December 31, 1919.

[6] As this article goes to press, word comes from Buffalo that in the general election of November 2, the citizens of Buffalo voted to have a civic center, by a plurality of 12,000.

The report for Auburn, Maine,[1] prepared by Mr. Myron H. West at public expense, presents a comprehensive plan for an industrial city already endowed with exceptional advantages. In view of the satisfactory results and excellent progress of zoning in the United States, it seems unfortunate that the author of the report should state a discouraging attitude toward zoning instead of urging the city to secure its advantages.

Mr. Bartholomew's plan for East St. Louis[2] has unusual interest because of the grave social problems which the city has faced arising from rapid industrial growth and a mixed population, and because the city stands directly across the river from St. Louis, Missouri, where city planning work has been going forward under the same consultant's direction. The War Civics Committee was appointed by the Secretary of War in September, 1918, for a period of three years "in order to co-ordinate all the forces for good—local, state, and national—in eliminating adverse living conditions in East St. Louis, and creating an environment more favorable to the successful production of war materials in the industries of the city". The executive director was to be furnished by the community organization branch of the war department and the committee was to be made up of forty or fifty leading citizens representing all interests, white and black. The industries of the city were to furnish financial support, which they did in abundant measure. Mr. Bartholomew's studies presented to this representative committee are comprehensive in scope, forming an outline on which a detailed plan may gradually be worked out by the city planning commission to be appointed. The most acute difficulties are caused by the railroads, and until the necessary revision of railroad locations and terminals is decided upon by a specially appointed commission, certain other questions such as a zoning ordinance must remain unsettled. Practically all the study maps necessary for the zone plan have, however, been made ready for later use.

Another comprehensive and well-presented city plan is that for Flint, Michigan,[3] prepared by Mr. John Nolen with Mr. Bion J. Arnold as consultant on transportation problems. The title-page of the report is significant in that it bears the legend "Approved by the City Planning Board and Accepted by the Common Council". The automobile city, Flint, registers a fourfold increase of population in ten years, thus putting itself in the hundred-thousand population class. Messrs. Nolen's and Arnold's studies date from 1917, the transportation report being thoroughly articulated with the general city plan. An east-side industrial district is recommended by Mr. Arnold. In the section on zoning, Mr. Nolen proposes a garden suburb area on undeveloped land, which will assure a large and desirable residential district for future use. Unfortunately some of the very interesting survey maps given in the report did not reproduce intelligibly.

Mr. Warren H. Manning's city plan for Birmingham[4] has been already referred to as noteworthy among

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[1] West, Myron H. Text of city plan for Auburn, Maine. Published as special number of Lewiston (Maine) Journal. Auburn-Lewiston, April 14, 1920.

[2] Bartholomew, Harland. A comprehensive city plan for East St. Louis, Illinois, prepared for War Civics Committee. 1920.

[3] Nolen, John, and Bion J. Arnold. The city plan of Flint, Michigan. Flint, Published by the City Planning Board, 1920.

[4] Manning, Warren H. City plan of Birmingham. Birmingham, Published by subscription, 1919.

American city planning reports because of the extensive regional studies made for its preparation. Here we have a plan for an important industrial area that precedes any detailed study of city street re-arrangements or building location by a broad analysis of the present and future uses of the entire region. The index reveals an impressive list of subjects included in the survey,—special emphasis falling naturally on facts important to industrial development. Based on the tendency of industrial growth indicated by the surveys, Mr. Manning lays down a regional plan for districts according to use and co-incidently a general highway plan. The conclusion of the report states that the first study made to anticipate future growth along the lines of greatest efficiency and economy must be followed by more adequate plans and estimates prepared with the aid and advice of many citizens, officials, and interests in the district. The statistical data on park areas, streets, and public utilities in American cities make the report valuable for reference purposes. The plan was published under the direction of Mr. Hartley Anderson. Unfortunate circumstances in Birmingham have prevented the official adoption of the plan as an outline of development, but it is greatly to be hoped that the citizens will not be too long in realizing the good thing which they have at their disposal and that they will see to it that the plan is carried forward and that its sound economic and social advantages will be insured to those who come after them. And even although the municipal authorities in Birmingham have not made use of their opportunities, the report stands as one of our most important city plan studies and should serve to inspire other cities to a broader vision in their own preliminary work.

CITY MANAGER MOVEMENT

PROGRESS OF MANAGER PLAN IN ONE HUNDRED EIGHTY-FIVE CITIES

BY HARRISON GRAY OTIS

This series of short stories began in the May 1920 issue of the REVIEW. *Since the above title was selected, the number of American cities operating under, or pledged to, the city manager plan, has increased to well over the two hundred mark, and many elections have been called for early in 1921.* :: :: :: :: :: :: :: :: ::

VII. REPORTS FROM MANAGERS IN THE PRAIRIE STATES

It is a striking fact and one difficult to explain that the legislatures of the states farthest inland have been most reluctant to grant any measurable degree of home rule to their towns and cities. Thus we find the prairie states with limited representation in the list of city-manager municipalities.

This may be partly due to the fact that these legislatures are made up largely of farmers who are slow to grasp the seriousness of the ever increasing problems facing city government. Despite the handicap of legislative inertia some noteworthy progress has been made.

Wisconsin, Iowa, Kansas and North Dakota recently enacted statewide laws permitting the adoption of the commission-manager plan but bills of a similar nature were defeated in Indiana, Illinois and Missouri. Iowa leads in the number of cities pledged to the new plan. Kansas stands second, with Illinois, Minnesota, Arkansas and South Dakota following. Zeros are chalked against Indiana, Wisconsin, Missouri, Nebraska and North Dakota.

KANSAS

Kansas will be considered first, as all five of her cities have standard commission-manager charters while the other prairie states are still largely confined to the less desirable ordinance type.

Results Disarm Opposition

WICHITA. Population 72,128. Commission-manager, charter effective April, 1917. L. W. Clapp, the third manager, was appointed October, 1919; salary $10,000, $4,000 of which he uses to employ an assistant.

The manager submits the following report:

First: At the April 1919 election, at the close of the first two-year term of manager government, the board of commissioners was re-elected without much of a contest. On the termination of no other term of city government in the history of Wichita was there a failure of the leading newspapers to differ as to the efficiency of the existing government. At this election no paper found ground to support an opposition ticket, or to raise any serious objection to the administration. The only conclusion is that general satisfaction prevailed.

Second: Continuance of the former policies of executing public work within the estimates of the city engineer. The city carried on the work with a very considerable saving to the property owners by purchasing material and employing labor required. Under this plan the manager succeeded in keeping within the estimates, and at a much less cost than the work could have been done for under regular contracts.

Third: The completion of a large main sewer about 5 miles in length through the city within the estimates of $214,000, when the lowest bid obtainable from regular contractors under advertisement and sealed bids was $316,500.

Commencement of a large drainage proposition to correct a serious situation that has existed ever since the city was planned, in connection with overflowing streams. Never before has an administration felt able to undertake the work. The project will now be carried forward as rapidly as the requirements of the law relating to drainage will permit.

Fourth: Granting advances in salaries of city employes.

Fifth: Conducting of three general sales of army food supplies distributed from the city exposition building, largely by voluntary service of people from organized labor and city employes.

Sixth: Continuation of the practice initiated by the former manager of providing a series of municipal entertainments at popular prices. In 1919 the admission was 10 cents to 50 cents per entertainment.

The city owns a fireproof forum building with a seating capacity of 5,000. Every seat for the entire series of entertainments was sold in advance, and practically every seat was occupied at every entertainment. Contained in the series were the following artists:

Isadora Duncan dancers, Mme. Schumann Heinck, San Carlo grand opera company, Ole Hanson, Madam Heimpel, Minneapolis symphony orchestra, Irvin Cobb.

Seventh: Establishment of a venereal clinic for care and treatment of interned cases. This enterprise has done more to solve the social evil question than all forms of statutes and ordinances based upon the system of fine and imprisonment ever accomplished.

Eighth: Enlargement of the public health nurses association, which is not financially a city enterprise, but which is fostered and assisted by the administration.

Ninth: Organization for the first time of a park board, which has started intelligent development of a definite plan of constructive work in the acquisition of river front lands and neighborhood parks and playgrounds.

Tenth: Continuation of free garbage collection service, and preparation for a regular collection of waste, at a small charge to patrons.

Eleventh: All of the above, and all other activities carried on throughout the year on the same tax levy without increase over that of previous administrations.

Mr. Clapp served as mayor for two years prior to his acceptance of the managership, upon the resignation of L. R. Ash. He is a lawyer by profession, a man of independent means and has long been interested in city government.

Health and Welfare Emphasized

El Dorado. Population 10,995. Commission-manager charter effective July, 1917. Bert C. Wells, manager; salary $3,600.

Achievements for the past year are summarized by the manager as follows:

Maintained a free city nurse, giving daily nursing care to the poor, especial attention paid to babies. Special visits paid to all contagious cases.

Established a free clinic for venereal diseases, men and women.

Kept every one in fuel during the coal strike by establishing a woodyard, selling wood at cost and buying coal from the state and selling it at actual cost.

Organized a full paid fire department, purchased new equipment, and results are shown in that our fire loss is practically nil for 1919.

Laid 45 blocks pavement, about 50,000 sq. yds.

Extended sanitary sewers, in several districts, a total of four miles.

Purchased and installed a two-million-gallon pump for the water works. Extended water mains, laying three miles of four- and six-inch pipe, also completed a survey and report for a new water supply, impounding a small creek to hold 800 million gallons of water.

Improved parks, trees, flower beds, and lawns.

Mr. Wells is 40 years old, a graduate civil engineer and served as city engineer of Wichita prior to his appointment as manager.

Fine Showing in Water & Light Plant

Hays. Population 2,339. Commission-manager charter effective May, 1919. A. W. Seng, the second manager, followed James C. Manning, May, 1920; salary, $3,000.

The first duty of Mr. Manning at Hays was the making of a thorough survey of conditions as he found them. His report attracted more than local attention and was published by the University of Kansas extension division. Among other things, he found that the city had been spending approximately $4,000 a year more than its receipts and issuing bonds periodically to cover the deficit.

Perhaps the greatest showing has been made in the improved condition of the water and light plant, a deficit of $22,000 having been overcome by efficient management and better collection methods. The published report for the month of November, 1919, comparing figures with those of the corresponding month, the last year under the old plan, show that the receipts from the sale of electric current increased 134 per cent although the cost of operation decreased 11 per cent. Correspondingly, the total water receipts jumped 116 per cent and the cost of supplying water decreased 71 per cent.

The city is now receiving 3 per cent interest on its daily cash balances instead of 2 per cent. It has funded $27,000 of 7 per cent warrants by substituting 5 per cent bonds.

A modern budget has been established and the city is living within its income for the first time in years.

Mr. Manning is 39 years old, a civil engineer, and experienced in public utilities. He has been promoted to Nowata, Oklahoma.

Get Results Much Quicker

McCracken. Population 371. City manager charter effective May,

1919. L. L. Ryan, manager; salary $1,800.

Mr. Ryan reports: "The new plan gets results much quicker. It cuts out a lot of red tape and endless argument over trivial matters. When there were half a dozen men under the mayor and council plan chosen to run the city each of them wanted to express his opinion but none of them wanted to assume any responsibility."

After six months under the manager plan marked improvement was noticeable in the conduct of the water and light plant. The total gain in savings and increased earnings compared with the previous six months amounted to $1,438. In April, the last month under the old form of government, the plant lost $141. In October, six months later, it cleared $138 above all operating expenses. It is reported that the new plan of government is proving popular in McCracken.

Mr. Ryan is 33; served as city clerk prior to his appointment as manager.

WINFIELD. Population 7,933. Commission-manager charter adopted at polls November 6, 1920.

(*To be continued in the February Review.*)

DEPARTMENT OF PUBLICATIONS

I. BOOK REVIEWS

OUR AMERICA. By John A. Lapp. Indianapolis: Bobbs-Merrill Company, 1920. Pp. 392.

THE AMERICAN DEMOCRACY. By S. E. Forman. New York: The Century Company, 1920. Pp. 458.

Both of these volumes are well-known school text-books revised and rewritten. Mr. Lapp's book retains its original title, but Mr. Forman has so greatly modified his original *Advanced Civics* that he thinks it best to change the name.

Mr. Lapp's plan of treatment is a progression from the concrete to the abstract. Beginning with a consideration of the basic needs of humanity, especially community needs, he gradually leads the student into the question of government as the community agency for dealing with the problems arising out of those needs. Then after giving the student some conception of the general nature of government the author presents a panoramic view of the government of the United States—national, state, and local. The functional activities of our national, state, and local governments are treated next, and this is succeeded by an exposition of the leading factors in the operation of the American system of government. The book is simply and clearly written, and each chapter is supplemented with stimulating questions and data as to further sources of information. It should be a useful text-book in the lower grades.

The American Democracy is a much more pretentious volume. Evidently Mr. Forman has had the secondary schools in mind, and has confidence in the ability of the more advanced pupil to deal with such abstruse subjects as democracy, representative government, suffrage, checks and balances as preliminary to the study of the structure and operation of the government of the United States in its several divisions and branches. The last part of the book is devoted to a discussion of the functions of government, but far more attention is given to the functional activities of the Federal government than to those of state and local government. For the assistance of the teacher, thought-provoking questions and a helpful bibliography are appended to each chapter. The author has made considerable use of charts and diagrams, which evidently are not original with him although the sources from which he has borrowed are not acknowledged. With so many excellent charts available, it is regrettable that in several instances the author's choice has not been good. In conclusion it may be remarked that the book is a great improvement upon the author's *Advanced Civics*, and that all who found that book valuable will find the present volume doubly so.

CHESTER C. MAXEY.[1]

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PAPERS ON THE LEGAL HISTORY OF GOVERNMENT. By Melville M. Bigelow. New York: Little, Brown, and Company, 1920. Pp. 256.

The author has made a general study of political institutions in the old German tribal states, the Roman Empire, and England from the Roman to the end of the Mediæval period with the object of discovering the permanent—and perhaps universal—principles which are at the basis of political society. With the means of carrying the principles into effect and the reaction of the people to the principles under varying conditions, he is concerned only as these throw light upon the principles themselves.

The main thesis of the volume is that the realization of unity in government through a common will is essential to the continued success of even the best political mechanism and management. To this unity the free individual contributes the essential energy, dynamic and initiative. The old family furnishes the principle of service and co-operation. The former are the good fruits of individualism; the latter are the unifying products of collectivism. In both, the actuating motive is spontaneous and voluntary service, and not merely habitual obedience to imposed authority and will.

Except for the obstacle of polytheism, the old German tribal states approached very nearly to this ideal of unity. The Roman Empire had centralization, but never unity. In England, the old German institutions were rapidly transformed by the development of individual ownership, the competitive régime, the manorial system, and militarism. Popular sovereignty was superseded by the absolutism that reached its height under Henry II. In modern times the old family too has been undermined.

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[1] Western Reserve University.

The old principles are as valid as ever—unity, spontaneous service, co-operation. The guiding ideals must be found in the philosophy of Christianity. What means to use at the present time, the author confesses he does not know. In his statement on the success of the old German tribal states he has a suggestion: "Here was directness of action; here was unity, consummate realization of popular government; here, as result, was little waste of time upon sessions and assizes; here . . . was efficiency according to the times. . . . I venture to affirm that a better mode of bringing the collective will of a people into operation has not been found, and, assuming a single-handed administrative capacity for carrying it out, could not be desired."

The first three essays of the volume complete the exposition of the author's thesis. The two others furnish further descriptive details on the governments which are used as the bases for the facts supporting the thesis in the earlier essays. The whole volume is marked by excellent clarity and logic. The formidable title of the book leads the reader to expect considerably more than the essays contain. Primarily in this is the volume disappointing. The reader will regret also that the author has regarded it as beyond his purpose to dwell more on constructive suggestions for the actual realization of the present time of the principles dealt with.

Arnold J. Lien.[1]

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The Senate and Treaties: The Development of the Treaty-Making Functions of the United States Senate During the Formative Period. Ralston Hayden, Ph.D., Assistant Professor of Political Science, University of Michigan. New York: The Macmillan Company, 1920. Pp. 237, xvi. University of Michigan Publications.

If any reader turns to this book to know how the fathers would have met the present situation, when one party holds the presidency and the other the senate majority, he will be doomed to disappointment. The fathers did not have to meet such a stalemate. The President and the Senate frequently differed in the interpretation of powers and policies during the formative period, but they were never of different political parties. They developed their relations without the handicap of partisan rivalry. The author of this monograph has undertaken to give an exhaustive historical narrative where others have been content to give a summary. His main conclusions may be stated in the following manner: the Senate has always maintained that it is as much within its constitutional powers to suggest the initiation of a negotiation as to pass upon a treaty already consummated by the executive; it seems to have been the purpose of the framers of the constitution to make the President and the Senate stand on a perfect equality in making treaties; President Washington started with the policy of treating the Senate as a Council of Advice in foreign affairs, consulted it in advance of negotiations, and laid the results before them again for ratification; when the plan proved unworkable in practice, Washington adopted the practice of consulting influential members of the Senate during the earlier processes of treaty-making, and seeking its formal approval of treaties only at the time of the ratification, rather than prior to and during the period of negotiation; little by little the consultations between the President and the Senate became an irregular and unimportant part in the negotiations even; and in the end the principle became fixed that the Senate should not attempt to participate formally in treaty-making until after the process of negotiation had been completed.

These conclusions can hardly be called original. The contribution such as there is lies in the elaborate marshalling of evidence. The most distinctive portion of the book is the chapter upon the "Genesis of the Senate Committee on Foreign Relations." The student of constitutional history will find the treatment exhaustive as the author intended it to be. The only fault the reviewer finds with it is a lack of coherence. Its critical bibliography and excellent index add much to its value.

Elbert J. Benton.[2]

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Prison Methods in New York State: A Contribution to the Study of the Theory and Practice of Correctional Institutions in New York State. By Philip Klein, Ph.D. Columbia University, N. Y., Longmans, Green & Co., Agents, 1920.

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[1] University of Colorado.

[2] Western Reserve University.

To one interested in the evolution of what we call civilization, a study of our institutions of punishment may be recommended. Until recently this field of study has been little exploited in a careful and systematic way. Such attempts as were made dealt generally with the current aspects of some one problem in penology or were the results of an overworked executive seeking to obtain an historical insight into his present job. The publication, however, of Dr. Snedden's thesis, "Administration and Educational Work of American Juvenile Reform Schools," in 1907, indicated an awakening among college professors. They, prior to this, had seemed quite unaware of the wealth of valuable material for theses and reports which lay hidden in the laws, reports of institutions, reports of special commissions and reports of state boards relating to or having to do with our penal institutions. In 1919, Professor Bye published his "Capital Punishment in the United States," also a doctor's dissertation, and now we have at hand a third doctor's thesis dug out of this same field by Mr. Klein, the former Assistant Secretary of the Prison Association of New York. The reviewer is thoroughly convinced that there are many more theses still waiting for some courageous soul to gather them in.

Mr. Klein's study can be best compared to Volume II of the Prison Inquiry Commission of New Jersey, appearing in 1917, and written for the Commission by Professor Harry E. Barnes. Dr. Klein states that ten of his chapters giving a detailed history of all the different types of penal institutions in New York state were not published in the present volume but can be found in the 75th annual report of the Prison Association of New York. Now Professor Barnes' volume may be likened to the missing ten chapters, as it deals with the evolution of New Jersey's institutions. Dr. Klein's book, with the exception of the first three chapters and the last one, is a study of the minutiæ of prison administration treated from the historical standpoint. His connection with the Prison Association has stood him in good stead, enabling him from the wealth of his experience to supplement in many ways, from first hand knowledge of conditions, the legal requirements relating to prison administration. To anyone desiring to prepare a blank form for the use and training of prison inspectors, a perusal of these chapters would be invaluable. Chapter I is an account of early punishments in the colony, and chapter II describes briefly the development of institutions in New York state. Chapter III calls attention to the progress which has been made in penology during the last century or two. It helps the reader to form some estimate of the worth of the administrative measures which follow in the succeeding chapters in prolific abundance. Chapter XIV deals with the indeterminate sentence and parole features of institutional life. The first three chapters are unquestionably the most interesting to read, but the other chapters would be perhaps the more valuable to the prison administrator. The book will be welcomed by all sincere students of criminology and by all who are trying patiently to assist in the solution of the baffling problem of how to eliminate crime.

Louis N. Robinson, Ph. D.

II. BOOKS RECEIVED

American Police Systems. By Raymond B. Fosdick. New York: The Century Company. 1920. Pp. 408. (Publications of the Bureau of Social Hygiene.)

The American Democracy. By S. E. Forman. New York: The Century Company. 1920. Pp. 474.

Case for Capitalism. By Hartley Withers. New York: E. P. Dutton and Company. 1920. Pp. 255.

Chaos and Order in Industry. By G. D. H. Cole. New York: Frederick A. Stokes Company. 1920. Pp. 292.

The Constitution and What It Means Today. By Edward S. Corwin. Princeton, New Jersey. Princeton University Press. 1920. Pp. 114.

Contemporary French Politics. By Raymond Leslie Buell. New York: D. Appleton and Company. 1920. Pp. 524.

The Development of Institutions Under Irrigation. By George Thomas. New York: The Macmillan Company. 1920. Pp. 293.

Democracy and Assimilation. By Julius Drachsler. New York: The Macmillan Company. 1920. Pp. 275.

Government and Politics of France. By Edward McChesney Sait. Yonkers-on-Hudson: World Book Company. 1920. Pp. 478. (Government Handbooks.)

Handbook of American Government. By William H. Bartlett. New York: Thomas Y. Crowell Company. 1920. Pp. 162.

HOUSING AND THE PUBLIC HEALTH. John Robertson. New York: Funk and Wagnalls. 1920. Pp. 159.

INDUSTRIAL HOUSING. By Morris Knowles. New York: McGraw-Hill Book Company. 1920. Pp. 408.

LABOR, MANAGEMENT AND PRODUCTION. (The Annals. September 1920.) Philadelphia: American Academy of Political and Social Science. 1920. Pp. 173.

LEAGUE OF NATIONS AT WORK. By Arthur Sweetser. New York: The MacMillan Company. 1920. Pp. 215.

THE NEW WORLD. By Frank Comerford. New York: D. Appleton and Company. 1920. Pp. 364.

OUTLINE OF HISTORY. By H. G. Wells. New York: The Macmillan Company. 1920. 2 volumes.

PAPERS ON THE LEGAL HISTORY OF GOVERNMENT. By Melville M. Bigelow. Boston: Little, Brown and Company. 1920. Pp. 256.

POLITICAL SYSTEMS IN TRANSITION, WAR TIME AND AFTER. By Charles G. Fenwick. New York: The Century Company. 1920. Pp. 322.

THE YOUNG CITIZENS' OWN BOOK. By Chelsea Curtis Fraser. New York: Thomas Y. Crowell. 1920. Pp. 314.

THE PRICE OF MILK. Clyde L. King. Philadelphia: The John C. Winston Company. 1920. Pp. 336.

THE SENATE AND TREATIES. By Ralston Hayden. New York: The Macmillan Company. 1920. Pp. 226.

THE TAINT IN POLITICS: A Study in the Evolution of Parliamentary Corruption. New York: Dodd, Mead and Company. 1920. Pp. 288.

SOCIAL CASE HISTORY: Its Construction and Content. By Ada Eliot Sheffield. New York: Russell Sage Foundation. 1920. Pp. 227. (Social Work Series.)

TRAVELING PUBLICITY CAMPAIGNS: Educational Tours of Railroad Trains and Motor Vehicles. By Mary Swain Routzahn. New York: Russell Sage Foundation. 1920. Pp. 151. (Survey and Exhibit Series.)

Subscribers who bind their copies of the

National Municipal Review

may receive the annual index for 1920 on application. Libraries on our mailing list will receive the index without specially requesting it. Our former custom of sending the index to all members has been discontinued as a measure of paper conservation.

NOTES AND EVENTS

I. GOVERNMENT AND ELECTIONS

Boston Charter Amendment Fails.—As noted in the July Review, the Massachusetts legislature at its last session passed a bill enlarging the Boston city council from nine to fifteen members, to be elected by districts instead of at large. The bill carried with it a referendum to the people of Boston. The result of the election was a decisive defeat for the measure.

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Chicago Adopts 50-Ward Law.—This law, noted in the November Review, was referred to the people of Chicago and adopted by a huge majority at the November election. It increases the number of wards from thirty-five to fifty but by allowing each ward one alderman the number of aldermen is reduced from seventy to fifty. The law directs the council to re-district the city within ninety days. A fair re-districting will remove the intolerable inequalities in representation existing at present.

✥

San Francisco Takes Further Step Toward M. O.—San Francisco voters by a decisive majority have approved a charter amendment enabling the city administration to negotiate for the purchase of the United Railroads to be welded with the present municipal system to insure a complete whole. The basis of negotiation must be that the purchase price shall be paid out of earnings. The plan moreover must be accepted by the people who alone can consummate any agreement.

✥

Attack on Initiative Repulsed.—A proposed constitutional amendment increasing the number of signatures necessary to an initiative petition, when such petition relates to assessment or collection of taxes, from eight to twenty-five per cent of the registered voters, was overwhelmingly defeated at the last election. The purpose was to prevent the recurrence of single-tax measures, five of which have been initiated since 1912. A constitutional amendment establishing the single tax was decisively defeated at the same election.

Minneapolis Extends Pension System.—The new pension system for city employes which was adopted by referendum vote on November 2, provides for pensions for practically all city employes except firemen, policemen and teachers, which three classes already have pension systems. It admits also persons holding elective offices, members of boards and commissions and a few others. The city is to contribute $60 per person for each of the first twenty-five years and the employe is to contribute a certain per cent of his salary. The employe's contribution begins at 3 per cent at age twenty and increases by one-fifth of 1 per cent each year until it reaches 8 per cent at age forty-five, from which time there is no increase.

✥

Michigan Defeats Amendment Aimed at Private Schools.—A so-called parochial school amendment to the Michigan constitution, designed to compel all children below the eighth grade to attend the public schools, was defeated last November by an approximately 2 to 1 vote. The proposal was fought bitterly by private school interests and those religious denominations which maintain schools of their own, as well as by many who opposed religious strife.

✥

New York Constitutional Amendment Prescribes Serial Bonds.—The voters at the November election approved the proposed constitutional amendment abolishing sinking fund bonds in favor of serial bonds for state debts. The amendment further provides that state debts shall be paid off within the life of the improvement and that debts for temporary purposes may be created only in anticipation of revenue and must be paid within one year. With respect to sinking funds already in existence, it is prescribed that future annual contributions shall be proportionate to the amount necessary to retire the existing term bonds at maturity. At present the state sinking funds have millions in excess of actual requirement due to the unscientific provisions governing payments to them.

San Francisco Charter Amendments.—The voters of this city were called upon to pass judgment on twenty-six charter amendments and two referred ordinances. Sixteen were adopted and twelve rejected. In addition there were twenty state measures on the ballot, making a total of forty-eight propositions voted upon by San Francisco electors. Withal, they seem to have exercised discretion. A pension system for city employes was made possible by charter amendment. Four measures constituting a raid on the civil service were defeated. The educational measures discussed in the November Review were adopted. These provide for a school board nominated by the mayor and approved by the people, and make the school superintendent appointive instead of elective. Proposals for new taxes and higher salaries for certain public officials were all defeated.

*

County Home Rule for Michigan.—The movement for county home rule in Michigan, described in the November Review, gained additional impetus at a dinner in Detroit on November 8 attended by more than three hundred citizens.

C. A. Dykstra, Executive Secretary of the City Club of Chicago, and C. Roy Hatten, Secretary of the Grand Rapids Citizens' League, were the speakers.

A State Committee has been formed to urge county reform and the outgrowth of this dinner was the appointment of a Detroit and Wayne County committee to work toward the same end. The Detroit Citizens' League under W. P. Lovett is taking the leadership for Wayne County.

*

P. R. Saved in Ashtabula.—The effort to abolish proportional representation and the city-manager plan in Ashtabula failed at the last election, the proposed charter amendment being defeated by 437 votes. The effort was obviously designed to combine the votes of those dissatisfied with either measure and thus to accomplish what was obviously impossible in case the two were voted on separately. That both should have been sustained by such a gratifying majority is the best evidence as to the merits of the two when combined.

*

Constitutional Revision in Louisiana and Missouri.—The voters of Louisiana at the November election ratified the call for a constitutional convention and elected delegates to that body. The convention meets at Baton Rouge, March 1.

In Missouri the success at the recent election of the constitutional amendment permitting the submission of the question of calling a constitutional convention to the electorate either by the legislature or through popular initiative has cleared the way toward a new constitution. The amendment further provides for a bi-partisan convention when it is finally ratified by the people. It will consist of fifteen members elected at large and sixty-eight elected by senatorial districts, two from each district and not more than one from any one political party. This preliminary step was necessary to prevent partisan squabbles from defeating the entire project.

The proposal to call a constitutional convention in California was voted down by the people.

*

Results of Missouri Elections—Home Rule for Kansas City.—The voters of Missouri not only defied precedent by going Republican in the last election even to the extent of electing both houses of the legislature and all state officials from the Republican ranks, but it overturned the time-honored custom of voting down all amendments to the state constitution. In the past twenty years only two amendments to the constitution have been adopted, in spite of the fact that it requires only a majority vote to adopt amendments.

In the election of November 2, nine amendments were adopted, most of them by substantial majorities. That some discrimination was exercised this year is shown by the fact that three failed to pass. In addition to the amendments two referendum measures were submitted, one of which was adopted.

Most important of the amendments from a state-wide standpoint were the good roads bond issue amendment providing for bond issues of $60,000,000 for good roads, and the so-called new constitution amendment. The latter changes the method of calling a constitutional convention, makes the convention bi-partisan, and fixes a date for an election on the question—shall there be a constitutional convention. Both of these amendments carried, the good roads amendment leading all others in the size of vote cast and majority favorable.

From Kansas City's standpoint two other amendments are of prime importance—one giving Kansas City home rule in charter making power, and the other increasing the limit of indebtedness to an extent which will permit of necessary public improvements, and, if desired, the purchase of public utilities.

It is of interest that the home rule amendment adopted is virtually a copy of the amendment prepared as a model by the National Municipal League. It applies only to Kansas City, but in other respects it is almost a copy.

The two referendum measures were one referring the prohibition enforcement act of Missouri passed by the last legislature, and the other referring the workmen's compensation act also passed by the last legislature. The enforcement act was upheld, but the workmen's compensation act was defeated.

Walter Matscheck.[1]

⁂

Novel Zoning Ordinance for Lakewood, Ohio.—A proposed zoning ordinance for Lakewood, Ohio, contains some features that are novel and some that have until recently been so considered. There are eight classes of use districts for (1) single houses, public and semi-public buildings, private clubs, etc., (2) tenements and hotels, (3) local retail business, (4) business and light manufacturing, (5) heavy industry, (6) semi-nuisances, (7) nuisances, (8) special uses, running all the way from aviation fields to refuse dumps. The location of some of the buildings in several of the classes is governed by special regulations. For example, in one family house districts, many of the public and semi-public buildings allowed in such districts, and clubs, can be located only on a lot already devoted to that special use; or in a block with street cars in the street in front of it; or opposite or adjacent to a public park or playground or opposite a block in which there are already such public or semi-public or non-conforming uses; or "in a lot approved after public notice and hearing by the city plan commission."

The board of zoning appeals is given the unusual power to:

> "Permit the location of a class 4a (i. e. 'special') use in any use district, provided such location will not seriously injure the appropriate use of neighboring property.
>
> "Permit in a use district any use that will not seriously injure the appropriate use of a neighboring property provided the petitioner files the consents, duly acknowledged, of the owners of 80 per cent of the area of the land deemed by the board to be immediately affected by the proposed use."

The ordinance contains certain limitations of the number of houses to the acre. It is especially gratifying to see that the height limits in it are low and the amounts of open space required, comparatively ample. Bill boards are specifically classed as a business use and thus excluded from residential districts. The ordinance was drafted under the direction and expert advice of Robt. H. Whitten, the planning adviser of Cleveland.

Frank B. Williams.

⁂

Minneapolis Adopts Home Rule.—On November 2 the voters of Minneapolis adopted a new charter. The only important provision is one that provides for home rule. The present charter dates from 1881 and has been amended many times since by legislative statutes. Minneapolis has made numerous attempts to supplant its old charter during the past two decades but all efforts heretofore have failed. The law requires that a proposed charter shall receive four-sevenths of all the votes cast at the election, not merely four-sevenths of all the votes cast upon the charter. Previously proposed charters have usually provided for more or less radical changes in organization of the city government and although most of them have received four-sevenths of the votes cast both for and against the charter, enough voters have failed to indicate their preference on the charter question to defeat it. In order to simplify matters and to raise as little objection as possible, the recent charter commission codified the provisions of the existing charter and all of the legislative amendments to it and inserted, in addition, a provision for home rule. Minneapolis has therefore the same form of government today, that it had before November 2. The only difference is the power of the city to alter it.

The commission attempted also to get the city council to authorize a special election upon the proposed charter so that it would not be defeated by voters who were interested in presidential and state candidates, but who did not care to vote on the charter. In the first part of the campaign all of the city papers came out for the new charter and home rule, but a short time before the election, several of them reversed their positions and opposed it. Large interests in the city fought it also on the ground that the socialists and other radicals would control the city's policy. The street car franchise was in the background all the time.

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[1] Director, Public Service Institute, Kansas City.

During the campaign the question was raised as to whether or not the city would be able to float bonds in excess of 5 per cent of its assessed valuation. The city's needs, especially for school buildings, is so great that it had been planned before the election, to raise several million dollars by means of bonds. Because of the doubt cast on the legality of an additional issue of bonds under the new charter which takes effect December 2, the Board of Estimate and Taxation has just authorized an issue of $2,980,000 in bonds which are to be sold and the delivery completed by December 1.

Roy S. Blakey.

⁂

California Passes New Alien Land Law.—On November 2 the people of California adopted a new alien land law by the decisive vote of 483,015 to 163,761 (unofficial figures). The measure, adopted by initiative process, is designed to close the loop-holes in the alien land law adopted by the legislature in 1913. The 1913 act made a fundamental classification of "aliens eligible to citizenship" and "aliens ineligible to citizenship." The former class it left undisturbed in their rights to acquire, enjoy and transfer property on a par with American citizens. The latter class were permitted by the 1913 law to acquire, enjoy and transfer real property only in the manner and to the extent and for the purposes prescribed by treaty between the United States and the country of the alien's allegiance and in addition to lease lands for agricultural purposes for a term not exceeding three years. The same restrictions were applied to corporations or associations within the state of which a majority of members were such aliens or in which a majority of the issued capital stock was owned by such aliens. The law made provision finally for the disposition of property inherited from such aliens, escheats to the state in case of violations, and other penalties.

The new act, while preserving the fundamental principles of the old law, attempts to prevent evasions which experience has proved to be possible under the act of 1913. One method of evasion has been the repeated renewal of the short-term leases of agricultural lands so as in effect to give them all the force of long-term leases. The new law rescinds the privilege of short-term leases. Another common means of evasion was the operation of agricultural land by an alien of the restricted class as guardian on behalf of his minor child born in this country and hence eligible to citizenship and unrestricted in his property rights. The new law prohibits both aliens and corporations or associations of the restricted class from being appointed guardian of that portion of the estate of a minor which consists of property which they are inhibited from enjoying directly by the provisions of the act. Provision is made for county public administrators or other competent persons to assume such guardianships and for detailed reports to be rendered periodically by them accounting for their administration of such trusts.

In addition to permitting the organization of companies for the operation of agricultural lands by aliens of the restricted class in the future only in the manner prescribed by treaty, the act sharpens the penal features of the original act, providing among other things that "every transfer of real property . . . though colorable in form, shall be void as to the state and the interest thereby conveyed . . . shall escheat to the state if the property interest involved is of such a character that an alien (of the restricted class) is inhibited from acquiring . . . or transferring it, and if the conveyance is made with intent to prevent, evade or avoid escheat as provided for herein."

J. R. Douglas.

⁂

Toledo's Street Car Question Settled at Last.—Toledo's street car question has been settled. By a vote of more than two to one, Toledo's electorate has approved the service-at-cost ordinance granting a franchise to the Community Traction Company, a newly incorporated company, formed to take over the street railway interests of the Toledo Railways & Light Company. By approximately the same majority they voted down the two proposed bond issues for a municipal transportation system.

The new franchise will go into effect as soon as the Toledo Railways & Light Company and the Community Traction Company have filed with the clerk of council their formal acceptance of the ordinance, and the transfer of the property has been effected. The date of the transfer will be the date of the taking effect of the ordinance.

After these formalities have been completed, the first effects of the franchise upon the car-riding public will be in the lower fare that will go into operation at once. The fare will be reduced from its present level of seven cents cash fare, three tickets for twenty cents, and two cents for transfers, to the new rate of six cents cash fare, five tickets for thirty cents, and one cent for transfer. This rate will be in effect for six months, after which the fare will be determined automatically by the level of the reservoir known as the stabilizing fund.

Almost among the first steps to be taken will be the appointment by the mayor of a board of street railway control. This board will be made up of three electors of Toledo, appointed for terms of two years, four years, and six years respectively. These three persons must not be in the employ of either the city or the company, nor the shareholders nor holders of bonds of the company, nor be members of the Ohio legislature. They are to be unsalaried.

When the board of control has been organized, they will select a street railway commissioner, who will then be appointed by the mayor upon their recommendation. This commission will be the paid representative of the board of control and the city, charged with the duty of protecting the rights of the public in the operation of the system. His salary, office rent, and supplies will be paid for by the company. His office will be in connection with other city offices, rather than with the company's offices as is the case in some other cities where similar franchises are in effect.

Another immediate job of the board of control is the preparation of a plan for the rearrangement of the street railway system with the view of more efficient operation and better service. The franchise requires that this plan shall include provisions for a cross-town line. The only limitation placed on the board in planning a rearrangement of the system is that it shall not involve a cost of more than one million dollars, nor impair the ability of the company to meet its obligations and earn its specified return on its investment.

Adoption of the franchise brings to a close a controversy that has gone on almost continuously since 1910, when several of the company's franchises expired. Several franchises that have been submitted to vote on various occasions have been defeated. One franchise embodying a community ownership scheme was prepared but was never submitted to vote on account of a break in the negotiations. Another franchise was prepared by the company and presented to council, but was never passed by council. On several occasions the people have declared in favor of municipal ownership and at one election an $8,000,000 bond issue for a municipal system was approved. In November, 1919, the people approved an ouster ordinance ordering the company from the streets. Withdrawal of the cars in compliance with this ouster precipitated series of events which led to the appointment of the two commissions whose respective reports were voted upon this week.

Wendell F. Johnson.

II. JUDICAL DECISIONS

Rent Laws.—The constitutionality of the "Emergency Rent Law" of New York state was recently upheld in the case of *Guttag v. Shatzkin.*[1] In the opinion by Mr. Justice Finch he holds that "the protection of homes and houses is certainly within the police powers of the state providing a public emergency exists which threatens the same. In enacting the statute in question the legislature has declared in express terms that such a public emergency exists, and it is within its province to so determine. It remains for the court to consider whether the means adopted by the legislature are reasonably adopted to the ends sought." In the act in question the legislature prohibited the ousting of a tenant from his dwelling until the expiration of a two-year period except in certain prescribed instances. The court took judicial notice of the cause for the existing emergency, and held that the means which the legislature adopted were appropriate to the ends sought. The authority for the decision is based on the police power which, the court said, "takes into consideration the economic and social conditions of the times." "A reasonable allowance must be made for the exercise of legislative judgment, and if the matter is within the legislative discretion the court will not substitute its judgment for that of the legislature."

*

City Plan Commission.—The town of Windsor, under a special act, created a town plan commission whose duty it was to lay out streets and establish building lines, together with certain other powers incidental to city plan commissions. Streets thereafter opened had to conform to the plan of the commission, and buildings erected upon the property were required to observe the building line as fixed by the commission. The constitutionality of the special act was the question presented to the court. It was held to be not unconstitutional as taking property without compensation, such power being an exercise of police power and not that of eminent domain. The court held that the mere designation of the location of the street and the building line places no obligation on the property owner unless he elected to open the street or designate the building line.[1] "This," the court said, "does not physically take the land, but it regulates its use." "True, this deprives the owner of a part of his dominion over his land, but in the use of any property where public health, safety or welfare is affected, public interest is supreme and to that extent the private interest must yield." A strong dissenting opinion is submitted on the right of the commission to establish a building line.

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[1] 64 New York Law Journal.

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Firemen's Pension.—In determining eligibility for a pension, the Illinois supreme court held that a fireman's service with a village or incorporated town annexed to another city, should be considered as service with the fire department of the new municipality and that the applicant was entitled to his pension.[2]

⁂

Gas Rates—Powers of Judiciary.—In 1905 an ordinance was passed fixing the gas rates to be charged in the city of New York. In 1906 the ordinance was declared valid by the supreme court of the state. In a recent suit it was proved that the rates fixed at that time were inadequate to meet the present-day costs. The court held that although the rates were valid from their inception, it would be unconstitutional if by reason of change in world affairs and cost of production the maximum rate fixed by it has become confiscatory and insufficient to give a fair and adequate return to gas companies, and that the courts have jurisdiction to hear and determine the question of its validity.[3]

⁂

City Money to Defend Law Suits.—A resolution by the commissioners of Jersey City authorizing the advancing of city monies to defend proceedings by landlords to dispossess tenants was held to violate the provision of the constitution inhibiting a city from giving or loaning to an individual, and that it did not come within the authority granted under the police power of the state.[4]

⁂

Paving Specifications.—The city of Chicago advertised for bids for paving to be done in creosoted wooden blocks and specified a special preserving oil to be used. Two bids were received, each stating that they would use the blocks of a certain company, who were the only manufacturers of the specified treating process. The evidence presented to the court showed that although it would be possible to manufacture the preserving oils, it is doubtful whether it could be done without encroaching upon the patent rights of a particular manufacturer. The court held that the city could not authorize such a contract. It was immaterial that the oil specified would produce the best results, inasmuch as a municipality must not become a victim of a monopoly in procuring the best results.[5]

⁂

Municipal Exemption.—Where a voluntary payment is made because of error by the payor in a matter of law and not of fact, the person making such voluntary payment cannot recover, but the rule is inapplicable to municipal or other public bodies such as towns and counties, it being considered that such a payment is not voluntarily made by the municipality but by its agent in excess of his authority and in defiance of its rights.[6]

⁂

Defect in Highway Plan.—The state highway commissioner of Connecticut was sued for injuries caused when the wheels of a motor truck crushed through a drain built under a highway which had been improved according to a plan of the commissioner. The general rule in such cases is that municipal corporations are not liable for injuries caused through a defect arising from an error in judgment. In making such an improvement a corporation is exercising legislative power. In this case, however, the court held that the drain constituted a defect from the time it was laid and that the continuance of the defect was such a failure to keep the road in proper repair as to place liability upon the commissioner.[7]

[1] *Town of Windsor* v. *Whitney*, 111 Atlantic 354.

[2] *Howen* v. *Board of Trustees of Oak Park*. General No. 25458.

[3] 180 N. Y. S. 38.

[4] 111 Atlantic 274.

[5] *Schoellhopf* v. *Chicago*, 12 N. E. 337.

[6] 183 N. Y. S. 646.

[7] 109 Atlantic 890.

Taxation.—An Ohio broker sought to enjoin the state auditor from registering his membership in the New York Stock Exchange for taxation in Ohio, on the ground that it was taxed in New York. The court denied the petition on the ground that it is not a violation of the federal constitution to tax intangible property, such as the exchange membership, in two states. Although double taxation has been called unjust and economically undesirable, such property should be taxed at the domicile of the owner.[1]

III. MISCELLANEOUS

New York Architects Fear That Private Profit Will Not Solve Housing Problem.—At the meeting of the New York State Association of Architects, held in New York on November 12, a committee of three, appointed by the housing committee, presented the following resolution: "Whereas, the housing situation in almost every community of the state is extremely serious and practically no new houses are being built because such building offers no profit, and whereas it is evident that dependence on profit as an inducement for the housing of all the community is not producing the necessary relief, therefore be it *Resolved* : That we must try to find new viewpoints leading to new methods and that we start the essential educational process leading to such new methods by encouraging the people themselves and the workers to organize their own powers in credit and in work that they may build for themselves without profit to any intermediary."

The resolution was laid on the table and ordered printed in the Association Bulletin in order that it might receive full consideration at the next meeting.

*

Journal of the Town Planning Institute of Canada.—The appearance of the Journal of the Town Planning Institute of Canada indicates that what is more commonly called in the United States city planning is taking on the aspect of a definite profession that has for its object the rational development of towns, cities, and rural districts in the interests of civic economy, public health and welfare, and amenity of living conditions.

The Journal is intended to serve as a means of communication among the members throughout the Dominion, supplying them with information concerning city planning schemes that are in course of development and of projects that are in contemplation. The first issue records a number of these schemes, giving the names of planners, architects, engineers and surveyors, and contains an account of the progress in city planning law in the various provinces. With the exception of Quebec and British Columbia, all the provinces have city planning acts and, in the case of Saskatchewan and Nova Scotia, these are mandatory. The Journal is edited by Mr. Alfred Buckley, M. A., Town Planning Branch, Commission of Conservation, Ottawa.

*

Ohio State Conference on City Planning.—The second annual meeting of the Ohio Conference on City Planning was held in Toledo, October 1920, at the invitation of the mayor and the chamber of commerce of that city. Twenty cities were represented, four of them by their mayors or city managers.

Reports of city planning progress showed that there are five more officially appointed city planning commissions in Ohio than there were in October of last year. There are also six cities in which committees of citizen organizations have ordinances ready or pending in the council. All but one of these committees are from the chambers of commerce—that one is from an engineers' club.

The legislative program for this year—as did the program for last year—reflects some urgent needs. As adopted it is in brief:

1. Regional Planning. It is proposed that the state create a planning bureau, and in order to avoid the feeling against the establishment of more state boards, that this be put into the office of the state highway engineer; that this state bureau, at the request of any municipality, and taking into consideration the actual social and commercial community of interest, may define the boundaries of a region, that it may decide what townships or portions of townships, what portions of incorporated territories and corporations shall make up a region. Thereafter the municipal planning commissions and township trustees and county commissioners may make a plan of that region and allot the expense among the various political sub-divisions of the region.

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[1] 125 N. E. 57.

2. Sale of Land by Metes and Bounds. (a) It is proposed that a law shall be passed to prohibit the sale of land in a sub-division or plot which shows lots upon streets unless the plot be recorded. (b) It is proposed that a law shall be passed providing that where a lot exceeding one-fourth acre in area is sold and that lot does not abut upon an existing lawful road or street, the deed cannot be accepted in the recorders' office for record unless the sale receives the endorsement of the city plan commission where it comes within the three-mile limit of a municipality, or of the county engineer, that endorsement to be based upon a decision of the commission or engineer that there exists or is provided adequate means of access to an existing county road or street.

3. City Plan Financing. It is proposed to remove two limitations from the constitution of Ohio: (a) The limitation of the power of eminent domain whereby in taking property by condemnation there is no right to deduct from the amount of compensation anything for benefits created in the remaining land. (b) The limitation of any special assessment to 50 per cent of the cost of the improvement.

CHARLOTTE RUMBOLD.[1]

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[1] Assistant Secretary, Cleveland Chamber of Commerce.

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THE PROSPECTIVE CONSOLIDATION WITH THE A. C. A. FROM THE LEAGUE'S STANDPOINT

BY RICHARD S. CHILDS

A variety of facts made a union of the American Civic Association and the National Municipal League opportune at this time.

The personnel of the American Civic Association staff was changing. We had a monthly magazine which could, and did, cover much of their subject territory, and yet reached only 18 per cent of their members. They had no magazine but had a variety of pamphlets that we could use and some of which we need. Mr. Woodruff, our honorary secretary, is their vice-president and Mr. McFarland, their president, is our vice-president. A roster of their active spirits and attendants at conventions would make any National Municipal League member feel entirely at home.

Our recent co-operation with the city-planning fraternity whereby our Review became the official organ of the City-Planning Conference increased still further our overlapping of active personnel. Mr. McFarland, who has from the first been the moving spirit of the American Civic Association, was in a mood to welcome the relief which union would bring to his overburdened energy. The National Municipal League was disposed to alter its name and that of the Review, for the word "Municipal" was a misnomer in view of our interest in state and county problems, and for a year the council had been equipped with authority from the Cleveland convention to change the names. This reduced on our side the problem of institutional pride in an old name and made the project for a new composite name much more acceptable to us. On the other hand the American Civic Association is easily satisfied with any variation that includes their salient word "Civic."

A more urgent reason lay in the existing duplication. The American Civic Association field included city planning, zoning, municipal art commissions, park and playground questions, and all the external physical problems of government which are included roughly in the old phrase "City Beautiful." For years the League had been lapping over into that field for the natural reason that our members, as local civic reformers, were a choice audience for that propaganda.

Topics, speakers and even some papers, at the conventions of the two organizations, were frequently identical. Both had pamphlets on the subject of "Zoning" and there was one narrow escape from an almost simultaneous duplication of expensive pamphlets on "Billboard Control." Some economies could be achieved by union in handling membership detail and still more by enabling the American Civic Association to reach its membership by a monthly magazine instead of by special letters and pamphlets.

Accordingly a "trial marriage" was arranged and approved unanimously at the Indianapolis convention. Overlapping councils were chosen. The REVIEW is made the official organ of the American Civic Association. That is all for the present. The American Civic Association retains its office in Washington where Miss Harlean James replaces Miss Eleanor Marshall, who seems to like a certain fortunate man better than she does the office. A joint convention is scheduled for 1921 at which identical governing boards can be elected and a composite name adopted.

A manifest result is the addition of, we hope, fully a thousand subscribers to our magazine out of the 1400 American Civic Association members who are not already subscribers, bringing our edition up to 4,000. The American Civic Association members are being billed for the REVIEW, their new official organ, for the unexpired terms of their American Civic Association membership. The new American Civic Association minimum dues will be $5 plus $2.50 optional for the magazine. Higher classes of American Civic Association membership will include the magazine without the surcharge.

If the consolidation is completed at the 1921 convention—and there is no visible opposition—the organization thus united will be the one big general association of the United States devoted to civic affairs, and more than ever the natural clearing-house for service and inspiration to those who press for progress in the local fields.

BRACKETING THE NATIONAL MUNICIPAL LEAGUE WITH THE AMERICAN CIVIC ASSOCIATION

BY J. HORACE McFARLAND

The President of the American Civic Association discusses the proposed consolidation with the National Municipal League. Both have been pioneer organizations. :: :: :: :: :: :: ::

THE readers of this publication need no introduction to the National Municipal League, nor is it in point here to recount its achievements or its history.

A recent inquiry showed that less than 20 per cent of the membership of the National Municipal League had also membership in the American Civic Association. In view of the expressed desire on the part of the League to sit close to the association for mutual advantage, and with the possibility of an eventual consolidation, it seems therefore now most desirable to acquaint the readers of the NATIONAL MUNICIPAL REVIEW with that civic organization.

The American Civic Association was formed in 1904 through the merging of the American Park and Outdoor Art Association and the American League for Civic Improvement. The merged organization began business with high hopes and a considerable debt. The latter, it may be said in passing, increased considerably before it was extinguished completely, and is now only a memory of need, courage and accomplishment. The hopes remain, and are increasing as the years go by and the opportunities open.

Organized upon a very simple basis permitting quick and concentrated operation the American Civic Association found its hands full of things to do and its membership instinct with the desire to do them immediately. In those days mosquitoes were still a pest which it was expected should be endured, and flies were accepted similarly. Encouraging the organization devoted to the singing nuisance, that soon passed into the category of avoidable troubles, while the fly was swatted nationally because of the campaign organized by the association.

Poles, wires, avoidable black smoke, and the abuses of excessive outdoor advertising were tackled with courage and with mixed results. Most of the wires in populous places have gone underground, much of the black smoke has been economically consumed, but the billboards are yet with us,.

In 1905, at its first annual meeting after organization, the American Civic Association internationalized the ownership of Niagara Falls and began the movement which five years later resulted in a definite measure of protection to the great cataract through the negotiation of a treaty with Great Britain. The picturesque campaigns it waged, in which several successive presidents of the United States did good service, are now history, but the need for continuing the effort in the face of a determined proposition to further skin the cataract of its power possibilities to the damage of its awe-inspiring dignity and beauty, is very real.

It occurred to the officials of the American Civic Association that the national parks were worth at least one whole desk in Washington. Comprising as they did ten years ago a great territory, more than equal in extent to the two smaller states of the Union, they were handled casually and incidentally in the federal government in part of the time of men devoted to other efforts in the war department, the interior department and the department of agriculture. There was no national park service, and the parks themselves were not well managed. Insisting on the need for nationalizing the national parks, and interesting in them several successive presidents and secretaries of the interior, has resulted, directly through the efforts begun by the American Civic Association, in the establishment of the present efficient national park service, under which these splendid and unreplaceable resources of the nation are now being used by the people who own them with pleasure and advantage. At the moment vigorous warfare is being waged in defense of the national parks, which have become so valuable to all the nation that, as usual, some few citizens of the nation desire to possess for their own selfish advantage the water-power and the irrigation reservoir sites that would turn aside these areas from their designed beneficent use.

Steadily the aim of the American Civic Association to make American communities better places to live in has brought about the promotion of community betterment. It brought the playground movement to where a national organization could take it up and efficiently forward it alone. Making city planning known to the nation resulted similarly in the formation and promotion of a city planning conference which now does good work. Zoning in protection of living conditions and property values has been promoted toward a consistent and continuous practice. Housing has been fostered where it had relation to the community plan, always in harmony and without conflict with the national organizations devoted particularly to that all-important subject.

The method of operation of the American Civic Association, which does not seek to establish minor branches but welcomes to membership all forward-looking organizations and individuals; its avoidance of wasteful reports; its presentation to the press of the nation of succinct, readable items concerning important things doing and needing to be done; its direct work on congress when need arises; its history of keeping clear of entangling alliances not related to making the community a better place to live in—all have combined to give this organization not only a strong hold on the American public but a wide sweep of influence.

It is this organization which now gladly stands behind the National Municipal League. In its work it has always felt the need for the detail of administration effort which is the peculiar function of the League, just as the latter has found its work short-circuited without reference to housing, parks and playgrounds, the abolition of poles and wires, the mitigation of black smoke and the reduction of billboards.

This, then, is the bracketing of the two organizations, which it is believed ought to result in larger influence for both, and, what is very much more important, in larger good for America.

COMMISSION GOVERNMENT LOSING GROUND IN ST. PAUL

BY T. L. HINCKLEY

After six years of commission government St. Paul, the capital city of Minnesota, is somewhat disillusioned.

The complaint against commission rule is the familiar one of lack of coordination of activities. In the opinion of many, this has resulted in duplication of effort and rivalry between department heads, with consequent increased costs of administration. It is also stated that there has been so much patching of the original commission charter, that many of its provisions have been nullified, and that a new instrument is preferable to more amendments.

A further reproach is contained in the assertion that although department heads have conceded the presence of a certain amount of duplication and admit that a general over-hauling of system would be highly beneficial, still, until very recently, no steps have been taken to bring this about.

As this goes to press word has been received of a survey of the city administration which is soon to be arranged, a step which may be viewed as an acknowledgement of the justice of this criticism.

Friends of the commission explain that a large portion of the increased costs of administration are due to the unprecedented increases in labor and materials charges, not to mention such things as the recent adoption of the two-platoon system by special vote of the people. As to elimination of waste, a leading official of the city government has stated that possibly the "slack" in city business methods may amount to $100,000 annually, a sum worth going after, whenever the people vote the funds necessary for a special investigation.

From the foregoing it will be seen that the financial side of the question has been the most emphasized in whatever public discussion has taken place. The advantages of a more responsible type of government, the council-manager type, for example, have been urged frequently by the press, but it cannot be said that popular interest has as yet assumed the proportions of a general demand.

A charter commission has been at work upon the general problem for some time, and recently an outline draft of a proposed new charter was published. This was stated to be a "modified city-manager" plan, but an examination of its provisions seems to classify it rather as a modified federal plan, the mayor being charged with many of the duties of a city manager. Regardless of its precise type, this draft is understood to represent the views of many who fear that the voters would reject a clean-cut council-manager charter.

It is impossible to predict just what turn charter revision in St. Paul will take. The best informed opinion is favorable to the council-manager system, but, as indicated, there is no general demand as yet for this reform. Dr. A. R. Hatton recently addressed the influential St. Paul Association on the general subject of charter reform, but no final action has been taken on the matter. In the meantime, amendment of the present charter continues, there being two such amendments voted in by the citizens at the last election. Until other steps are taken, the passage of additional amendments is the only remedy for charter ills; but it is safe to say that with the passage of more amendments the feeling grows that a different form of government will prove more efficient.

RESULTS OF SOLDIER BONUS REFERENDA[1]

BY RUTH MONTGOMERY

Sub-librarian, Legislative Reference Section, New York State Library

Five states have been added to the list of those giving a bonus to their world war veterans, Maine, New Jersey, New York, Rhode Island and Washington. The laws of these states require the approval by the electors of any bond issue. For this reason it was necessary to submit the propositions for the soldier bonus to the voters. New York, Washington and New Jersey did this in the November elections, Maine and Rhode Island earlier. In New York, at least, and probably elsewhere, considerable objection developed both within the American Legion and outside. In one small New York community with approximately 1,000 electors, only 80 votes were cast for the proposition; however, final returns will give the bonus an enormous majority. The most telling argument used against the proposition was the increased burden of taxation.

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[1] For an earlier article on this subject see National Municipal Review for October, 1920.

Distributing the various amounts over ten to twenty years makes the burden very light on each individual.

The laws of Maine and Rhode Island, as approved, provide for the payment of $100 to all veterans regardless of the length of service. New Jersey and New York base their payments on the number of months of service, $10 for each month, fixing as a maximum $100 in New Jersey and $250 in New York. New York having the largest population naturally has the biggest task, her amount being fixed at $45,000,000. Rhode Island comes at the other end with $2,500,000, and in between New Jersey with $12,000,000, Maine with $3,000,000.

The machinery for carrying the law into effect is provided for in each state except New York. The operation of that law must wait until the 1921 legislature provides a board for its administration. This will no doubt affect the number to be benefited, because one requirement is residence in the state when the law becomes effective. Departing from the usual ex-officio board, consisting of the military and financial heads of the states, Rhode Island has a civilian board in charge.

In addition to these states, we now note a law in Washington which was approved in the November election. It provides for a bonus of $15 for every month of service between April 6, 1917, and November 11, 1919, to be paid to all Washington men and women, or their heirs, in the military, naval and air service of the United States and its allies. Exception is made in those persons receiving bonuses from other states, or any compensation in addition to the regular army and navy pay, unless the amount received does not equal the bonus, then they are entitled to the difference. The state auditor with the aid of the adjutant-general is the administrative officer. The money will come from an issue of 6 per cent bonds, totalling $11,000,000, with an additional issue authorized if necessary. These bonds must be retired within twenty years, the retirement fund to be raised by an annual tax of one mill on the dollar of taxable property. This bond issue is in the hands of the state board of finance.

THE SOCIAL UNIT ENDED IN CINCINNATI

BY WARWICK BLACK
Cincinnati Municipal Reference Bureau

The history of the closing days of the Social Unit experiment in Cincinnati completes the cycle of articles and criticisms that have been issued from time to time concerning this much talked of endeavor. In the September number of the Review, there appeared a most comprehensive paper on the project, considering it from its main and original angle, as an experiment in government, rather than as a social service scheme. The final chapters, however, show how much of the former plan had been abandoned, and how more and more the idea was developed along social rather than political lines. It ceased to be the workshop of the political scientist and became that of the social worker.

The final decision for the abandonment of the Social Unit was in nowise hasty, rather the contrary, the last step in a sure, gradual process of disintegration. After the mayor and his colleagues had taken a firm stand in opposition to this new "socialistic" phenomenon that had appeared rather suddenly in our midst, the question of its continued usefulness, if not its very life was a matter of time only. Financial stringencies added further complications, and soon the Unit was in the position of not knowing from whence the next dollar would come. For a while the discrepancies were tided over by gifts from funds of other organizations, which delegated to the Unit, in the Mohawk-Brighton district, work for which they would otherwise be responsible. Among these organizations was the Visiting Nurses' Association, and others of a similar nature. Prompted by the threat of the withdrawal of large contributions, the Council of Social Agencies, which controlled the funds of these organizations, decided not to allow any transference from one agency to another. This exclusion of the Unit from any participation in the benefits either direct or indirect, of the Council of Social Agencies, forced the directors to conduct a separate campaign which did not end advantageously for the cause they sponsored. It was soon evident that the experiment could not proceed on its own momentum, and that steps preparatory to closing were in order. Accordingly, in July of this year, a final summary was published by the executive head of the organization.

The middle of November saw the first definite step of actual disbanding, when arrangements were made for the Baby Milk Fund Association to take over the infant and child welfare work, since this organization had previously functioned in the Mohawk-Brighton district before superseded by the Social Unit. A few days later came the announcement that the final bulletin had been issued, and that various phases of the work had been turned over to several organizations, including besides the Baby Milk Fund Association, the Visiting Nurses' Association, and the Anti-Tuberculosis League. For the time being, the Unit will continue a few functions, such as the health station, which will be open certain days of the week; the nutrition classes, and the dental clinic. At the time of closing there were under the care of the Social Unit 352 babies, 498 pre-school children, as well as 30 adult bedside cases, and 150 active and contact tuberculosis cases, out of a district comprising about 12,000 people.

A concluding estimate of its work cannot be made until we are further away from the beclouding details of the project, but certainly it is safe to say that while it did not contribute greatly in its original field, that of government, it did contribute much in the field of social betterment, and it remains to be seen whether the organizations now assuming its functions can manage them as efficiently, and with the same degree of satisfaction to those concerned as did the Social Unit. It has given us, as Mr. Phillips, Executive Secretary of the National Social Unit Organization, says, "Increased efficiency in social service, achieved through centralization which has amounted in the field of public health alone from 300–1,200 per cent; the increased participation in the affairs of the neighborhood on the part of the people; of supplementing public effort with the assistance of members of technical groups and the growth of the spirit of true neighborliness."

RECORD OF LEGISLATIVE ACCOMPLISHMENT 1920

BY ELINOR M. EPPICH
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GOVERNMENTAL REORGANIZATION

DURING 1920 eleven states (Georgia, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New York, Rhode Island, South Carolina, Virginia) held regular sessions of their legislatures, twelve (Oregon, Indiana, Wyoming, Nevada, Idaho, Arizona, West Virginia, New Mexico, Washington, Texas, Kansas, Delaware) held special sessions, and one (Ohio) held a second session of its 1919 assembly.

Of these states eight passed laws or resolutions or proposed constitutional amendments affecting the organization of government. The resolution passed by the Washington state legislature is the most comprehensive. It provides that the governor, with the assistance of the attorney-general, prepare and submit to the next regular session a civil administrative code providing for the vesting of all executive functions of the state in a limited number of departments. In New York the constitutional amendments, recommended by the reconstruction commission appointed by Governor Smith, failed, but three alternative measures, one of which incorporates provisions to practically the same effect as those of the commission, were adopted and will come before the next legislature for second approval. By this amendment the present one hundred and eighty-seven boards, commissions and bureaus are consolidated into twenty-one departments, most of whose heads are appointed by the governor with the consent of the senate. In Indiana several constitutional amendments were proposed which must be acted upon by the legislature of 1921, and may thereafter be referred to the electors. Three of them fix the terms of various officers at four years, and two provide for the appointment rather than the election of two state officers, namely, the clerk of the supreme court and the superintendent of public instruction. Ohio passed a measure extending the term of county auditors from two to four years.

A constitutional amendment proposed by the legislature of Indiana was the only measure adopted by a 1920 legislature which provided for an executive budget. The attempt of the reconstruction commission of New York to obtain an executive budget failed, although a legislative budget was provided for. An unsuccessful attempt was made in South Carolina to repeal the executive budget system adopted in 1919.

Two states, Virginia and Maryland, passed acts providing for state purchasing departments. The law of Maryland creates a central purchasing bureau, while that of Virginia creates a commission to provide for and designate a state purchasing agent.

In the field of municipal government, the legislature of Maryland has passed a law providing for a single police commissioner for the city of Baltimore instead of the police board. In Rhode Island the Tiverton police commission was abolished and the police power placed in the hands of the town council. Massachusetts has made mandatory the audit of accounts of all cities and towns at least once in three years by the director of the division of accounts.

HOME RULE AND PUBLIC UTILITIES

Maryland advanced the cause of municipal home rule by granting to the voters of Baltimore city the right to change their form of government. They are also authorized to decide whether the police commissioner shall be appointed by the governor or by the mayor. In Massachusetts town governments "progressive changes are facilitated by a bill authorizing their independent action."[1] The senate of New York failed to pass the home rule amendment endorsed by the New York state conference of mayors and recommended by the governor. The Downing bill, giving the board of estimate and apportionment power to fix county salaries in New York city, also failed. Kentucky has made it possible for the smaller cities in the state to have commission form of government if they so desire.

South Carolina was the only state to pass legislation to allow municipal corporations to buy and sell public utilities. This act, which is an amendment of a law of 1912, provides for municipalities to buy and sell water works, gas works, and electric light works. In New York legislation to permit municipalities to acquire, own, operate and control public utilities failed, and likewise in Ohio a bill failed which authorized municipal corporations to issue bonds to purchase, construct and acquire by condemnation a transportation system. Ohio was saved by the governor's veto from a measure giving the public utilities commission, where deemed by it necessary to prevent injury to any public utility or street railway in any emergency, authority temporarily to alter, amend or suspend any existing rates or schedules prescribed in contract or franchise. A measure somewhat like it failed in the New York legislature providing that the public service commission might regulate rates notwithstanding franchise or other agreements. Rhode Island passed an act to allow towns to contribute to costs of trolley service lines within their respective limits.

The tendency of the 1920 legislatures was toward public regulation of public vehicles. Maryland placed taxicabs under the control of the public service commission; Rhode Island placed jitneys and buses under the public utilities commission; South Carolina included steamboat lines and truck lines in the common carriers regulated by the railroad commission; Texas defines natural gas companies as virtual monopolies and subjects them to the power of the railroad commission, and Virginia empowers the state corporation commission to regulate the delivery of power, heat, light or water by public utility corporations.

PUBLIC DEBT

Massachusetts, as a state, has adhered to the pay-as-you-go policy, but other states seem to have been confronted with the necessity for expanding their debts. Even in Massachusetts the legislature granted to certain towns authority to exceed their debt limit. New Jersey increased the limit on net indebtedness of counties from 2 to 4 per cent of ratables; New York excluded school bonds from city debt limits; Maryland has authorized drainage commissioners to issue bonds; the legislature of Oregon proposed a constitutional amendment increasing the limit of state indebtedness for permanent roads to 4 per cent instead of 2, and the legislature of Georgia passed an act to amend the state constitution to allow West Point to increase its bonded debt.

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[1] Review of Legislation of the session of 1920, by Speaker Joseph E. Warner of the Massachusetts House of Representatives.

The Ohio legislature passed an act to lift the interest and sinking fund levies, on account of bonds issued prior to January 20, 1920, from out of the limitations provided by the Smith one per cent law into the fifteen mill limitation. The question must be submitted to the voters of the individual municipalities.

TAXATION

As with debt so with taxation, legislatures have been compelled to look beyond present provisions for money to meet the increasing costs of government. Washington has increased the maximum tax levy to five mills instead of three, and has also increased the maximum tax levy for public schools; Rhode Island has passed an act allowing cities and towns to increase their tax assessment from 1½ to 2½ per cent of their ratable property valuation; Maryland has increased the maximum rate in three counties; while Texas at the November election passed a constitutional amendment removing all limits from taxation for local school purposes.

Oregon submitted to the people measures providing for additional tax levies for the support of schools. Ohio has made drastic increases in existing taxes, the tax paid by wholesale cigarette dealers being increased as much as from thirty dollars to two hundred dollars annually. Kentucky has placed a tax on gasoline; Massachusetts a special tax of three-fourths of 1 per cent on net incomes of corporations; the Indiana legislature proposed a constitutional amendment authorizing the levy of an income tax. Four important taxing measures failed in the Ohio legislature. These provided for taxes on net incomes, on gross receipts of transfer, truck and transportation companies, on the production of coal, oil, gas and other minerals mined in the state, and a license tax for sale of drugs. In Rhode Island an act failed which proposed an additional tax of six cents on each one hundred dollars of ratable property valuation for payment of current expenses.

One state, Indiana, provided for a revision of its tax laws. A measure providing for the reform of taxation methods failed in Washington. The legislature of Indiana proposed a constitutional amendment authorizing the general assembly to provide by law for a system of taxation in order to simplify the present constitutional provision. This must be acted on by the legislature of 1921 and may thereafter be referred to the electors.

CIVIL SERVICE

The legislature of Maryland adopted the merit system during its 1920 session. The law exempts many officers from the classified service, but gives the governor of the state the power to classify them. Enforcement is in the hands of a single commissioner appointed by the governor for a six-year term.[1]

Maryland provided for the pensioning of members of the fire and police departments of Baltimore county; Massachusetts for the pensioning of members of the police department of Boston; New Jersey for the pensioning of firemen and policemen of municipalities; and New York passed a bill to bring about greater uniformity in the New York city pension system. This measure is expected to take care of all civilian employes other than those of the uniformed forces.

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[1] *Political Science Quarterly*, September, 1920, Supplement, p. 73.

Maryland has included among those to be given preference in the civil service, army and navy nurses. Three states, Massachusetts, New Jersey and Ohio, passed veteran preference measures. The New Jersey law provides for credit marks in civil service examinations to be given to United States soldiers, sailors or marines who served in any war, and requires appointment if among the first three certified. The Ohio law provides that any Red Cross nurse or soldier, sailor or marine may file with the civil service commission a certificate of service and honorable discharge, whereupon his name shall be placed on the eligible list by the commission, from which list he may be appointed to any position in the civil service of the state for which he is qualified.

NATIONAL PARKS OR IRRIGATION RESERVOIRS—WHICH?

BY J. HORACE McFARLAND

President, American Civic Association

Measures pending in congress authorize the flooding of parts of Yellowstone Park in favor of private interests. Secretary Payne, however, has announced that the water from these lakes can be utilized after it leaves the park without detriment to this national recreation center. :: :: :: :: :: :: :: ::

At a meeting of the Great Falls Commercial Club, of Great Falls, Montana, held Friday, October 15, 1920, a circular headed "The National Parks in Imminent Peril," as sent out by the American Civic Association, received attention. The result of that attention was the taking of the following action:

> After considerable discussion on this matter the directors of the Great Falls Commercial Club expressed themselves as heartily in accordance with the use of the reservoirs as irrigation and power sites, being strongly opposed to the wishes of your communication.
>
> This matter will be taken up with the various commercial clubs in this state toward the encouragement of the use of these waters for the purposes of irrigation and power for the betterment of our state.

It is thus seen that the point of view of commercial organizations of the states surrounding the Yellowstone National Park was that these great areas are not parks, but reservoirs. To be sure, in 1872 congress set aside a part of the area which nature had long before set aside, for the use of the people as a park, and indeed as a museum of natural wonders. Evidently the Great Falls Commercial Club, at first, regarded this action as merely a convenient way in which the property was kept out of the open public domain. Now that somebody needs the water either for irrigation or for power, this action of congress must, of course, be set aside and the water in this park, or any other park must be put to what will at once be called "practical use."

Such was the idea of this organization of business men. Being business men, they were amenable to facts and argument, and a little later, after hearing from the American Civic Association, the Great Falls Commercial Club rescinded its action, notifying the senators and congressmen of its state of its changed point of view.

PARTS OF YELLOWSTONE TO BE FLOODED

The Great Falls organization was thinking of a proposition for the damming of Yellowstone Lake at its outlet so as to raise its level either seven feet or twenty-nine feet, in proportion to the amount that can be put over on congress. This impounded water, rising to the determined level as the snow melts in late winter and early spring, would then be drawn down during the summer for irrigation and for power. Such action would, of course, leave the sloping shores that had been flooded in the same condition of mud and destruction as the shores of Jackson Lake, a few miles to the south, now are in consequence of the same action. Nevertheless, various congressmen and promoters insist that no harm can happen by the damming of the Yellowstone Lake or any other lake, and that, indeed, the beauty of the lakes is enhanced by impounding in them more water.

The general Yellowstone scheme goes far beyond the great and beautiful lake that bears the name of the park. It includes all the bodies of water to the west and the south. Heart Lake is an appropriately named small lake, Lewis Lake farther west is larger, and Shoshone Lake still larger. These are to be united by a general scheme of flumes, tunnels, pipe lines, conduits, poles and wires, so that they may serve both for power and irrigation not only in Montana to the north but in Idaho to the south.

That is, this was the scheme when John Barton Payne succeeded to the Interior portfolio and his firm stand and vigorous English became a factor. The three smaller lakes were given up for the time being, although the necessary engineering data had been gathered, and the flooding height of the Yellowstone Lake was reduced from twenty-nine feet to seven feet in the bill which Senator Walsh of Montana introduced upon the reassembling of congress in December last.

In the southwest corner of the Yellowstone Park there is a region shown on the topographic survey as the "Falls River Basin." It is indicated as marshy. Early this year a bill permitting the erection of a dam, or several dams, at the southern border of Yellowstone Park slipped through the senate without comment and was on the unanimous consent calendar in the house under the leadership of the Honorable Addison T. Smith of Idaho, when we were waked up to its importance. Objection was made, and by vigorous action Mr. Smith's bill was prevented from coming up on passage. At a hearing held in May, when Mr. Smith sought to obtain a rule which would have confined discussion of this proposition—the entering wedge for the destruction of the Yellowstone—to one hour, he and his friends made such a poor showing that they were nearly laughed out of the committee room.

But the scheme still remains. The bill is still on the house calendar. It was brought up immediately upon the reassembling of congress, but because the people have begun to wake up to the danger to their park property, enough congressmen have objected to its consideration to diminish the menace of its passage in this congress.

Mr. Smith has personally informed me that he expects to introduce a similar bill in the next congress after March 4th. He hopes the people will forget, and let him get his scheme through.

During the summer Mr. William C. Gregg, a New Jersey manufacturer, who for many years made it his pleasure to visit the little known regions of the Yellowstone Park, went into this Falls River Basin properly equipped to investigate it. He found that instead of being, as was alleged by the promoters of the irrigation scheme, an unpleasant marsh, it was a succession of grassy meadows, set with lovely streams and bordered with impressive waterfalls on a plateau which, of course, would furnish the cheaper part of the proposed impounding reservoir. Mr. Gregg made many photographs, and thus brought away indisputable evidence of the wrong of the project. The location, by the way, is less than twenty-five miles from Old Faithful Inn, and Mr. Gregg and his family found no hardships in reaching it on horseback.

It is a significant comment on the persistence and intelligence of the Idaho congressman that at a hearing on another unrelated bill held January 6, he soundly abused Mr. Gregg for daring to investigate the Fall River Basin in a belief that the map made in 1878 might not be accurate now. "Who dares to doubt a government map," shouted Mr. Smith, even while his associates were looking with interest at photographs proving its error in 1920.

THE VALUE OF NATIONAL PARKS

This is only the beginning of what is undoubtedly a concerted assault on the nation's possessions in parks. The question arises as to whether or not these areas ought to be preserved as parks or whether they are required for economic development of the surrounding territory.

The first inquiry, then, is as to the value of national parks, or, for that matter, as to the value of any park. It is not proper here to enter into an elaborate argument, but it will be a rash publicist who asserts with any expectation of supporting his assertion that a park is not a necessity, that it does not perform a beneficent function, that it does not wholly justify itself if well administered in its directly favorable effect upon the economic life and production of the community which it serves.

The national parks have another quality than that of simply recreation. Each one of them includes some rare natural phenomenon, and some include many such wonders. The Yellowstone, for example, not only has the geysers, all of awe-inspiring quality, the mud volcanoes, the paintpots, and other similar evidences of nature's resourcefulness, but it has the Grand Canyon of the Yellowstone, possessing a quality all its own. It has glass cliffs, it has petrified forests, and in addition it has great and lovely open areas set with mountains towering to ten thousand feet and more, and bordered by ranges carrying eternal snow. The Fall River Basin includes a lovely valley, ideal for camping.

Similarly, the other national parks have each their own wonders which we have heretofore thought were worth preserving. The glaciers characteristic of Glacier Park, the atmospheric phenomena of the Grand Canyon of the Colorado, the exquisite waterfalls of the Yosemite, the reserved tree monarchs in General Grant and Sequoia parks, and all the rest of the wonders in all the parks, go far beyond the primary recreational use as memorials of the nation's possessions.

There is a vast financial potentiality in these areas, which, belonging to all the people, are beginning to be used by many of them. In 1920 some thirteen thousand automobiles, very largely of the Ford type and coming from the neighboring states, toured into the Yellowstone with camping parties to take their pleasure in the nation's great pleasure-ground. With less than two hundred miles of developed roads in more than three thousand miles of its area of wonderland, the use of the Yellowstone is barely beginning. Each use is accompanied by a relatively large expenditure which the traveler and visitor makes to the benefit, in a commercial way, of all with whom he comes in contact of service from his home until he reaches it again. Niagara, for example, is admitted now to earn, independent of the power that has been stolen from its majesty, beyond thirty-five million dollars annually in travel revenue.

IRRIGATION POSSIBLE WITHOUT INJURY TO YELLOWSTONE

But what is the economic possibility in these parks which justifies the western promoters in opposing the idea of keeping the parks in their integrity? It happens that there is competent evidence in this direction.

At the hearings held in connection with the Smith bill referred to it was developed that between five hundred and one thousand farmers, organized into twenty-four corporations, were operating irrigation projects in Idaho, south of the Yellowstone Park. These farmers had had five successive good crops, but in 1919, a year of slack water, they either lost their crops almost altogether or had them materially reduced. It was felt, therefore, that there ought to be assurance against any such recurrence by reaching into the Yellowstone National Park, so that the property of one hundred millions of people might be given over to the uses of a bare thousand of them to assure continuously profitable crops! No suggestion has been made that the cost of food would be decreased by such action. There is no suggestion of public benefit. Indeed, it has since appeared that in this very region, not twenty miles from the proposed dam, "dry" farmers have been continuously successful in raising large crops for twenty years.

It is therefore insisted that the economic use is a selfish use, that it appertains to but comparatively few of the people who actually own the parks, and that consequently such diversion is unfair as well as practically sacrilegious.

But there remains a still more definite showing of the wrong of these propositions. Secretary Payne visited the Yellowstone during the summer of 1920, and, as he writes, "gave a hearing to persons interested in this project. . . . I pointed out to them that it was very much more desirable from every standpoint that the dam for reclamation should be built outside of the park. The water flow in the vicinity of the Yankee Jim Canyon is more than twice as great as at the mouth of Yellowstone Lake. . . . The value of water for power and reclamation purposes I fully appreciate; but since the water does not remain in the park, means may always be found to utilize the water after it leaves the park to the same and often to a greater extent than if the effort was made to use it in the park."

It should be noted that Judge Payne is the head of that branch of the government's activities which has to do with reclamation and irrigation. It is obvious that cheapness of development is the only excuse, if one believes his statements, for these assaults on the national parks.

Yet another danger remains. The federal water power act, approved June 11, 1920, specifically permits the filing of claims on water for power purposes in any park or other reservation set aside by the government. Under this claims had been made on many of the nation's most precious scenic possessions. The attitude of the newly formed federal water power commission was that congress did not intend to destroy the national parks, and this commission, including the secretaries of war, agriculture and interior, has declined to consider these applications until after congress has had an opportunity to correct the obvious error committed. If this error is not corrected, then an added and greater danger is imposed upon the national parks.

Senator Jones of Washington has introduced and had reported out of committee a bill removing the parks and monuments from the provisions of the water power bill. Mr. Esch of Wisconsin has introduced an identical bill in the house. At a hearing on January 6 Secretaries Payne, Baker and Meredith urged the passage of this legislation, citing the applications that had been held in abeyance in the hope that congress would act.

If we are to have national parks instead of irrigation and power reservoirs, if the mere one per cent of the public domain thus set aside is to remain in natural beauty and integrity of scenery, our citizens will need to make very plain to their congressmen and senators that determination.

Private interest never sleeps; public interest often nods. Park security depends upon wakefulness and vigilance.

PHILADELPHIA'S "MANDAMUS EVIL"

BY CLARENCE G. SHENTON, LL.M.[1]

The city treasury of Philadelphia must pay millions of dollars annually to meet obligations over which the city government has no control. :: :: :: :: :: :: :: :: : ::

Not content with establishing numerous governmental agencies in Philadelphia and saddling the cost of maintaining them on the city treasury, the people of Pennsylvania have in many cases adopted an exceedingly vexatious method of having the cost determined. They have given local agencies power to finance themselves out of city funds. Most to be desired, of course, is a system under which the city's legislative and tax-levying body, the council, would have complete control over the city treasury. As this is at present unattainable, Philadelphia would be more nearly content—its plight at any rate would be no worse than that of hundreds of other municipalities throughout the land—if, in addition to its council, the legislature were the only body with authority to spend its money. As it is, millions of dollars are disbursed annually by the city to satisfy contractual obligations—including the wages of an army of employes—the amounts of which are not fixed by the legislature nor controlled by council.

UNRESTRAINED AGENCY

Broad powers to determine what shall be spent for the maintenance of the courts are vested in the judges.

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[1] Of the Philadelphia bar; staff member of the Bureau of Municipal Research of Philadelphia.

The president judge of the municipal court is authorized to appoint "such tipstaves or employes as are reasonably necessary," and their number and compensation are to be fixed by a majority of the judges of the court. The president judge is also authorized to appoint a chief probation officer "and such additional probation officers and employes as he may determine, at salaries not to exceed $2,500 a year." Other statutes give judges power to fix the number or compensation, or both, of janitors, stenographers, detectives, etc. The constitution provides that the prothonotary shall appoint such assistants as may be necessary and authorized by the courts of common pleas of Philadelphia county, and that the clerk of the orphans' court may appoint assistant clerks with the approval of the court.

The city and county of Philadelphia are coterminous. The legislature has "consolidated" them, but only in a half-hearted way. There is but one treasury. Taxes paid into it are levied by the city council alone, and disbursements from it, except as the result of suit, can be made only pursuant to appropriations by council. Yet, superimposed upon the city government is a county government, headed by a board of commissioners, in whom are vested most of the usual powers of county commissioners to commit the county to financial obligations.

The Philadelphia county prison is managed by a board of inspectors appointed by the courts of common pleas. This board has authority to fix the salaries of all persons employed in the institution, to contract for supplies, and to determine the "quantum and kind of food to be furnished to each person." The county commissioners are authorized to draw their warrant on the "county treasury" for "any deficiency in keeping and maintaining said prison."

A board of managers, appointed by judges, has authority to establish houses of detention for delinquent children—one house for each twenty-five children. The powers of the board are as comprehensive as those of the board of prison inspectors mentioned above. A recent act of assembly authorized the creation of a house of detention for untried prisoners which is to be administered in the same way.

Considerations of space forbid anything like a complete enumeration. There are other agencies with similar powers, and the agencies mentioned have powers which have not been enlarged upon. A list of the money-spending powers of the county commissioners would itself make a longer story than can be detailed here.

"MANDAMUSING" THE TREASURY

If council appropriates funds to satisfy the obligations incurred by the agencies in question, payment is not difficult to secure. If there are no appropriated funds against which the agencies can draw warrants, the employe or other claimant to whom promises have been made brings suit against the city. As there is seldom any doubt that the services have been rendered, and that the law of the state makes the city liable for the amount which has been promised, there is usually no point in contesting the case. The city solicitor therefore brings the city into court amicably, agrees to the facts, waives a jury trial, and, except in rare instances, makes no argument on the law. Judgment against the city is the result.

The plaintiff then proceeds under an act of assembly which authorizes the court to issue a writ—known as a "madamus"—commanding the city treasurer to pay the judgment, with interest and costs, out of any unappropriated moneys in his possession, and if there be none such, out of the first moneys received for the use of the city. The writ differs from a common law mandamus in that the statute expressly contemplates the possibility of its issuance against an empty treasury. If because of lack of unappropriated funds the writ is not satisfied when presented to the treasurer, it is registered as of the date of presentation, and draws interest at 6 per cent until paid. Claimants not desiring to wait for the city to be in funds to pay their writs have had no difficulty in selling them at par to the banks, which usually regard them as especially choice securities.

A PARADISE FOR POLITICIANS

The opportunities which the situation affords for "playing politics" and mystifying the electorate cannot be overestimated by the most fertile imagination. Responsibility for the spending of the city's money is so widely diffused that efforts of the taxpayer to see to the careful disposition of his contribution cannot succeed. Agencies with the "mandamus power" are more extravagant than they would dare to be if embarrassed by the necessity of levying taxes to meet their expenditures; and council, which levies all the taxes, can justly disclaim responsibility for a large but indefinite part of the levy.

Although the system is known to be wasteful, the waste cannot be measured. There is no way to estimate what could be saved if all municipal agencies were required to live within appropriations of council. The amount by which an agency exceeds its appropriation has no significance in this connection. Council usually has the choice of making what it considers an unjustifiably large appropriation, or of cutting the figure to a point which it considers proper, with the certain knowledge that the balance will nevertheless be collected by mandamus. Confronted by this embarrassing alternative, council has generally surrendered and appropriated the amount demanded. There are times when observers suspect that an opportunity to bow to the mandamus power is welcomed by councilmen as a convenient way to get what they or their political friends want, without assuming any responsibility. Accordingly, the fact that an agency with the mandamus power lives within its appropriation does not mean that the agency has been economically managed. Conversely, the fact that the agency exceeds its appropriation may just as well mean that council has failed or refused to give due consideration to the necessities of the agency as that it has been extravagantly administered.

The use of the writ of mandamus to collect salaries of appointees of judges is peculiarly objectionable. The impression is abroad in Philadelphia that judges are above the law; that they are arbitrarily asserting superiority over the legislative and executive branches of the government. While, in a strict legal sense, their use of the mandamus perhaps does not justify this, nevertheless the spectacle of a judge appointing an employe, fixing his salary, sitting as judge and jury in a suit to collect the salary, rendering judgment in favor of his own appointee, and commanding the city to satisfy the judgment, is not edifying.

THE REMEDY DIFFICULT

Attempts to abate the nuisance will no doubt be met by formidable resistance from many of its beneficiaries.

Assuming that this can be overcome, the line of attack is in most cases obvious. Agencies of the type of the Philadelphia county prison, which are non-judicial and owe their existence solely to legislative enactment, can, of course, be shorn of any or all of their powers by the legislature. A power which is expressly conferred by the constitution, like that of the courts of common pleas to authorize the appointment of assistants to the prothonotary, manifestly cannot be divested except by constitutional amendment. Probably, also, there is no satisfactory way to abrogate the money-spending powers of the Philadelphia county commissioners except by constitutional amendment ordaining or permitting the abolition of county government in counties which are coterminous with cities.

The most interesting legal problem arises in connection with "mandamus powers" assumed by the courts without statutory or constitutional warrant, and those conferred upon the courts by legislative enactment. Strangely enough it cannot be asserted with assurance that these powers can be revoked by the legislature. This doubt results from the character of the opinions which have at times been expressed by courts as to their immunity from legislative control.

"We think upon the outset," said the supreme court of Idaho,[1] "that without discussion or controversy, it must be admitted that the courts have the inherent power and authority to incur and order paid all such expenses as are necessary for the administration of the duties of the courts of justice." Said the supreme court of Indiana:[2] "Courts are an integral part of the government, deriving their powers directly from the constitution, *in so far as such powers are not inherent in the very nature of the judiciary.*" (!) Declarations equally brave might be quoted in considerable numbers. Their tenor, in view of the problem at hand, has made necessary an analysis of the cases in which they occur.

The cases fall into three classes. In the first, judges seem to derive satisfaction from announcing that, although no occasion is presented for the use of "inherent power," they nevertheless have it. Such expressions are dicta, and need not be seriously considered.[3]

The second class includes cases in which courts make orders in matters concerning which statutes and constitutions are silent. *Lycoming County* v. *Hall*,[4] sometimes cited as the leading case in this country on the subject of inherent judicial power, was a case of this sort. A Pennsylvania county court, considering it imperative that a jury in a capital case should be closely observed throughout the trial, directed that they be kept together and provided with board and lodging at a public house at the expense of the county. Although no express provision of law authorized the order, the supreme court held that the county must pay the bill. The doctrine of this case has been extended in Philadelphia to the point where juries are given automobile outings at public expense.[5]

In cases of the third class the courts exercise powers which not only are not expressly conferred on them, but which are expressly denied to them by statutes. The right of judges to select certain of their assistants forms the usual issue in these cases. For example, the supreme court of Illinois has decided that the legislature cannot deprive judges of the right to appoint their probation officers.[1] It was said that the appointment of probation officers is so essentially a judicial function that a statute depositing the right to select them elsewhere than with the judges is, under a constitution vesting the judicial power in the courts, an unconstitutional assumption of power by the legislature.

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[1] *Schmelzel* v. *Ada County*, 16 Ida. 32, 100 Pac. 106 (1909).

[2] *Commissioners* v. *Stout*, 136 Ind. 53, 35 N. E. 683 (1893). *The italics are the author's.*

[3] See, *e.g.*, *State* v. *Cunningham*, 39 Mont. 165, 101 Pac. 962 (1909).

[4] 7 Watts (Pa.) 290.

[5] See *Gallagher* v. *Phila.*, C. P. No. 2, March Term, 1920, No. 7451.

In cases of the type last mentioned the courts do not go so far as to assert independence of the legislature with respect to the number of their appointees or the amounts which they are to be paid. Indeed, not a single case has been found in which a court of final appeal has itself attempted, or has permitted an inferior court, to spend money in defiance of an express and unequivocal statutory provision. In its bearing on the Philadelphia situation this fact may be significant. If the legislature can be prevailed upon to exercise for itself or delegate to council the final discretion as to what is to be spent on Philadelphia courts, the courts cannot refuse to be so limited without an unprecedented arrogation of power.

Of course, no judge will ever admit that the legislature, by withholding financial support, can destroy a court which the people by their constitution have decreed shall exist. There is a point somewhere short of the annihilation of courts with constitutional status at which it would be held that the discretion of the legislature ends. Whether the supreme court of Pennsylvania would decide that the legislature's discretion ends when it contravenes the desires of the judges, and that the judges must be the final arbiters as to what is necessary to maintain the courts as the constitution contemplates that they shall be maintained, is a subject upon which it is impossible to do more than speculate.

The Pennsylvania state treasury, like the federal treasury and most, if not all, of the state treasuries, is protected against disbursement without appropriation by constitutional prohibition and by the principle that a sovereign government cannot be sued without its consent. It is difficult to say whether these limitations would be effective if interpreted by a judiciary determined to make an issue of what it considered inadequate financial support. Sustained by a constitutional mandate for its existence a court could, with perhaps some show of reason, override constitutional obstacles which it considered threatened its existence. Apparently so desperate an issue has never arisen, and it is not likely that it will. The immunity enjoyed by state and federal treasuries, however, does not extend to municipalities. They can be sued without their consent, and forced to pay whether they appropriate or not. Here is a source from which courts, even those which are distinctively state and not local tribunals, can more easily obtain unappropriated funds than from state treasuries. Interesting possibilities are suggested by the case of *McCalmont* v. *Allegheny County*,[2] in which the supreme court of Pennsylvania, holding session in a district comprising a number of counties, without authority of the legislature compelled the county in which it was sitting to pay certain of its expenses.

The municipal court is one of "such other courts" as the constitution gives the legislature power to establish "from time to time." Does it, by virtue of the constitutional warrant for its creation, possess constitutional status and the accompanying inherent powers? The question, while interesting, is not likely to be of practical importance, since the undoubted power of the legislature to abolish the court makes it inconceivable that the right to revoke any of its powers would be disputed.

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[1] *Witter* v. *Commissioners*, 256 Ill. 616 (1912).

[2] 29 Pa. St. 417.

PROSPECTS OF RELIEF

Agitation on the subject of the "mandamus evil" has been running high in Philadelphia for the last year, but in view of the very complex political situation it is difficult to predict what relief, if any, can be obtained. Then, too, there exists in certain quarters a deep-seated reluctance to be identified with a movement looking toward curtailment of the prerogatives of the courts. No doubt efforts will be made during the 1921 session to have the legislature withdraw certain mandamus powers. Probably, however, most is to be expected from the proposed new constitution. The commission on constitutional amendment and revision, which has been working since December, 1919, has been quite sympathetic toward those who urge placing complete control of the city's purse-strings in the city council. The bureau of municipal research, working in conjunction with a committee appointed by the mayor, prevailed upon the commission to recommend the adoption of the following provisions:

> No debt shall be contracted or liability incurred by any municipal commission, board, officer, employe or other agency, except in pursuance of an appropriation previously made therefor by the municipal government.
>
> * * * * *
>
> In any county whose boundaries coincide with or lie wholly within the boundaries of any city, all county officers, and judges, other than the judges of common pleas and orphans' courts, and all state or county officers whose salaries or expenses are payable, in whole or in part, out of funds receivable by any city or county officer shall submit to the chief executive of the city, in the manner and the time required of city officers, estimates of the needs of their respective offices and courts. The city council or other body vested by law with the power of appropriation shall have the same control over appropriations for the support of such offices and courts as it has over appropriations for the support of city offices, except that the general assembly may fix the salaries of such officers and judges.
>
> In any such county any or all county offices may be abolished by law and the functions and powers pertaining to any such office may be transferred to any officer or officers of such city.

As this is being written word comes that the commission has changed the wording of these sections to improve the style but with no intent to violate their substance. From what has been said, it will be appreciated that if the substance of these paragraphs can be made part of the fundamental law, the fight against the mandamus evil will have been won in Philadelphia, except for the powers of the orphans' court and the courts of common pleas. Apparently the commission cannot be persuaded to recommend that these powers be disturbed. It may yet happen, therefore, that the right of the legislature to control the expenditures of courts with constitutional status will become a live issue in Pennsylvania.

RECENT TENDENCIES IN PRIMARY ELECTION SYSTEMS

BY CHARLES E. MERRIAM
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The writer, a keen practical observer of politics, believes that the direct primary has not yet had a reasonable test. It should be retained and certain other improvements introduced, notably the short ballot, the merit system and the Massachusetts ballot, to insure satisfactory nominations. :: :: :: :: :: ::

In 1909 the writer published a history of primary elections in which were traced the tendencies in primary legislation and practice down to that date. Since that time there have been many changes in the nominating system, and it is now a matter of importance to appraise again the broad movements in the evolution of nominating methods.

The operation of the primary laws, outside of the South where the direct system seems to be generally accepted, has proceeded amid many difficulties in the last decade. In the first place, the primary laws were in many cases the result of the work of the progressive Republicans who were particularly active and successful in the years around 1910. The split between the Progressives and the Republicans in 1912 left the stand-pat Republicans, in the main unfriendly to primary regulation, in complete control of the party. It was not until 1916 that the breach was covered and most of the Progressives returned. The primary was a product of insurgency, but the insurgents went out of the party about the time the new law was obtained, so that there was no adequate opportunity for a sufficient test of it. By 1917 the War had broken out, and the general tendency was to present a united front against the common foe. Factional divisions and even party divisions were minimized. There was much discussion of party union; and in a few local cases a combination of the major parties against the Socialists was actually carried out. In any case this was not a favorable time for trying out primary systems. In brief, we may conclude that the real test of the direct primary lies ahead of us, rather than behind us.

The general tendencies of primary election procedure may be grouped under several divisions, in each of which distinctly different effects are evident. The primary in urban and local affairs, the primary in state affairs, the primary in presidential choices, show widely different characteristics.[1]

MUNICIPAL PRIMARIES

In urban communities the overwhelming tendency was toward nonpartisan elections, from which national political parties were excluded as far as possible. Nominations were usually made by petition only, or in the so-called "non-partisan primary," which was in effect a double election system. The direct primary had never been demanded for cities by students either of parties or municipalities, and during this period it disappeared almost entirely, although there were notable survivals as in New York and Chicago. In the absence of effective national parties in cities, it was difficult to apply any form of a party primary law with any degree of success. The parties having adopted no general or uniform policy in regard to local affairs, each locality was left to shift for itself, and party allegiance became much weaker than in the case of national elections, although the party machinery was still in formal action. But in practice non-partisanship was established by the friendly collusion or connivance of party machines and bosses long before the demand for non-partisan elections was made by the citizenship generally.

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[1] My discussion of presidential primaries is omitted from this paper for lack of space.

As a result there came a local alignment differing from the national, sometimes brought about by custom or common consent and sometimes attempted by legislation providing non-partisan ballots. One of the most conspicuous tendencies of the last ten years has been the spread of the non-partisan system to the cities of the United States. There was, to be sure, no guaranty that this would eliminate the national party from the local election; but in many cases this was the result, while in others it tended to minimize the influence of the party in urban contests. Without attempting to discuss the large question of the relation of national parties to local affairs, it is sufficient to point out that a new tendency appeared in the growth of the nominating system, and that it was almost universally triumphant in municipal nominating systems. In some instances the non-partisan method was applied to the election of judges, to the choice of school boards, and in Minnesota to members of the legislature.

State and County Primaries

In the case of state and other than urban local officials, the tendency toward the extension of the direct primary system continued its legislative march. The direct method of nomination was taken up by state after state, until at the end of the period there were only a half dozen in which the direct primary was not in general use either by party rule or by legislative enactment.

A brief survey of the developments under the new system shows many interesting and significant situations. I indicated in 1909 that certain changes were necessary in order to make any nominating system, direct or indirect, regulated or unregulated, successful in its operation. These were the shortening of the ballot, the adoption of the merit system in public administration and its enforcement, the return to the original form of the Australian ballot without the party circle or emblem. Some progress has been made in all of these directions, but it cannot be said that they have been effected yet. The ballot has been shortened, notably in the cities, progress has been made in the direction of the merit system and in the supporting sentiment without which the law itself is ineffective, and some changes have been made in the way of modifying the blanket ballot. These conditions are as significant today as they were ten years ago, and still affect materially the success of all nominating systems.

An examination of the actual developments under the direct primary shows that many of the arguments urged by the advocates of the new system and many of these advanced by its bitterest opponents were not wholly valid. On the other hand, there were many effects not generally anticipated. It was frequently charged that the direct primary would destroy the party system or would make party organization so ineffective that it could not survive. This was no doubt sincerely believed by many of those who opposed the direct primary. Some even expressed the fear that representative government would be undermined and overthrown. It is perfectly plain that parties still survive and the organization still goes on; and it is no longer seriously contended that party management is incompatible with this particular form of nomination. On the contrary we frequently encounter the argument that the direct primary strengthens the machine, and should therefore be repealed, although this must be taken with a grain of salt when coming, as it frequently does, from members of the organizations said to be so strengthened.

It was believed by many that the direct primary would result in discrimination on the part of the urban districts against the rural; that the mass vote of the cities would uniformly and inevitably overwhelm the more widely scattered rural vote; and that the agricultural sections would lose their influence in the selection of party candidates. This has not come true. There have been instances where the cities have taken more than their share of candidates and also vice versa, but as a rule this has not been the case; and the old argument from this point of view is now rarely encountered.

THE PRE-PRIMARY SLATE

On the other hand, the pre-primary slate has appeared more frequently than was anticipated either by the advocates or the opponents of the new primary plan. The possibility of this was pointed out by some students of the subject, but it was not generally realized that the organization or the machine might name the candidates in advance and then obtain the ratification of the slate proposed by them. In some cases this possibility has become a fact and a custom. In such cases the primary has ceased to function as intended by its proponents. In many other instances there have been no slates at all, or if framed they have not obtained a uniform or even encouraging success. In other cases there have been two or more slates and the honors have been divided between them. When there is a long list of candidates to be chosen with much patronage at stake, it has been more easily possible to form and carry through a slate. The direct primary has not made automatically impossible the control of the nominating system by a ring or a machine, even of the corrupt type.

To what extent the new system has influenced the choices made by the organization which still nominally controls is a question much more difficult to answer. The character of nominations is determined not only by open and successful resistance to organization nominees, but by the possibility and the probability of resistance which is anticipated or discounted or thwarted by the character of the nominations made by the organization itself. A wise machine will make many concessions in order to prevent the raising of the standard of revolt by an opposing faction or by unorganized insurgents. Resistance is generally more readily made under the direct primary than under the convention system. There is always a certain protest vote, and a certain disgruntled vote, and there are always groups within the apparently united machine that are ready to take advantage of any insurgency for the sake of advancing their own ends. Such resistance is more effectively registered by the popular vote than by the number of delegates elected.

The question whether better candidates are obtained cannot easily be answered, first because no sufficiently elaborate inquiry has been made to cover all the facts in the case. That such an inquiry would be eminently useful, there can be no question. Very bad candidates have been selected under the direct primary system at times, and also very good, competent, honest and representative ones. That more than usually unfit candidates are selected because no one is directly responsible is not true as a general thing, although it may happen occasionally. But incredibly bad candidates have also been chosen by "responsible" conventions under adverse conditions, to phrase it mildly. On the whole it is difficult to see how the "bad" man would find it easier to obtain a nomination under the direct system than under the delegate plan, while it is clear that a "good" man may win a primary fight when he would be wholly lost sight of in a struggle for delegates and the collateral control of a convention nominating a whole series of other candidates. That there are many competent candidates who are excluded from office because of their unwillingness to go through a primary is a pleasant fiction without much basis in the actual facts of political life. Yet no competent and impartial observer will contend that the new nominating system has revolutionized the character of candidates with reference to their ability, their integrity or their representative character. This is a part of the great problem of democracy, which cannot be so simply solved, and which will not be determined finally either by direct or indirect methods of selection.

CAMPAIGN EXPENSES

That the expense of campaigning tends to exclude worthy and favor undesirable types of candidates in the direct system can scarcely be sustained. It will be found that where there is a candidate of exceptional efficiency or one who stands for some broad general policy in which a large number of voters are interested, it is possible to raise the fund necessary for the reasonable conduct of the campaign; and if this fund is raised upon a democratic basis so much the better for the party and the candidate and the general public. Occasionally a candidate is available because of his "barrel," yet the machine can always raise the necessary funds through the application of its own peculiar system of revenue. If no insurgent candidate is available except one who conditions the use of his funds on his own candidacy, little is lost for the community. Nor can it be forgotten that the conventions have often been controlled by small groups of men representing directly or indirectly wealth and privilege in concentrated form. If money was not spent, it was ready for spending.

Furthermore, the elaborate and reckless use of funds is not beneficial to candidates, and may even be positively harmful, and often disastrous. The personally financed campaign of Governor Lowden and his related defeat for the presidential nomination is a striking illustration of the deceitfulness of riches. There is much insincerity and ignorance in the discussion of campaign funds, but there is little evidence to show and none to demonstrate that the use of wealth in direct primaries is more effective than in the capture and control of conventions. The abuses of the use of money should be checked and there should be publicity in regard to receipts and expenditures, but too great confidence should not be placed in automatic devices for this purpose. They will not include the expensive services of the "organization," or of outside associations, or of the press. The confiding electorate that trusts to a statute for fencing out money or economic power from primaries and elections deserves its certain fate.

It is also to be observed that some confusion has been caused by attributing the expense of public regulation of primaries to the direct system. If the primary is to be supervised by the state, whether it is direct or indirect, the public expense will be about the same in either case. The outlay for rent of polling places, the payment of election officials, the printing of ballots, the provisions for canvass of votes are as great in one system as in the other. If all direct primary laws were repealed and the regulated delegate system retained, the public expense would not be materially reduced. And if there are real contests under the delegate system the expense of the campaign is not much altered. Some money might be saved by having neither primaries, conventions nor elections; but more would be lost.

One of the "Unforeseen Tendencies" observed by Godkin in his incisive study of this subject was the small vote under universal suffrage in many elections. This is still more true of party votes than of general elections. The direct primary has not always drawn out as large a vote as was predicted by its most enthusiastic advocates in the first days of its introduction. In the minority parties, whether in states or counties, the vote has often been very small, running down at times to a small fraction. In other cases, however, the vote has been much larger, rising to 50, 60, 75 per cent, or even higher. The direct primary cannot be relied upon to develop a 100 per cent vote. As compared with the old caucus system, it unquestionably brings more voters to the polls on the average, but the number still falls below the figure originally expected by some of its champions.

THE PRE-PRIMARY CONVENTION

In some instances an effort has been made to retain some form of a convention or a preliminary conference in state affairs. This has been done in some cases by those who were hostile to the whole primary movement and were seeking to undo it in the interest of the organization, as in Wisconsin and in New York, but in still other cases the move came from friends of strictly regulated primaries on the direct basis. From another point of view the Socialists paid little regard to the primary system, but made their own nominations through their conferences or through referendums of dues-paying members, subsequently ratified in the official primary.

In Colorado a law was passed in 1910 providing for a pre-primary convention of delegates to consider and recommend party candidates. Those who received at least 10 per cent of the convention vote for any office were placed upon the regular party primary ballot, but any other names might be put upon the ballot by petition, either with or without consideration by the convention. The action of the party in the primary was final, and might follow or disregard the recommendations of the convention. Governor Hughes made a strenuous effort to establish an official "designation" plan in New York, but was unable to carry it through. The theory of his measure was, briefly, that the responsible organization in charge of the party should meet and present its choice for party office, but that other names might also be filed and printed on the ballot along with the choices of the organization.

The final selection of candidates would then be made by the party voters in a succeeding direct primary. This is not unlike the process that actually occurs in many places, but it was sought by this plan to provide legal machinery, and if possible bring home a little more closely the official responsibility.

In South Dakota the Richards law was adopted after long discussion in 1917. This was an elaborate statute providing in great detail for the calling of a pre-primary convention, for the selection or recommendation of candidates, for the conduct of the primary itself, including provision for joint discussion by candidates, for the recall of party officials, and other interesting features. It was an ingenious and somewhat complicated system, but not unworkable, although much disliked by many of the voters. It is by far the most elaborate attempt to organize party leadership and popular party control through a statutory system that has yet been proposed or attempted.

SOME ALTERATIONS LIKELY TO BE MADE

On the whole, there seems to be in state politics a widespread desire to retain some of the features of the party conference, but at the same time a still stronger desire on the part of the rank and file to make sure that they possess in last analysis the right to name the candidates. The reconciliation of these elements has nowhere been worked out in such a form as to command a general acceptance by the various elements in the major parties. There is some discontent with the primary, although this is stronger in the East than in the West, and does not figure in the South. The organizations would repeal the law if they had the power, and would not imperil their position thereby; but the mass of the voters apparently have no intention of returning to the old delegate system with which they were familiar twenty years ago and under which they suffered grievous misrepresentation. The difficulties and disappointments of the direct primary system are fresh in our minds, but when we recall the alternative of the old system we are likely to recoil from it. The gerrymander of districts, the logrolling for nominations, the bribery and undue influencing of delegates, the domination by combinations of bosses and special privilege, the helplessness of the average voter under the old convention plan has been for the moment obscured. When we begin to compare the old system with the new, however, it is unlikely that there will be general acquiescence in a quiet abandonment of the direct primary and return to the old method of indirect and unregulated choice.

Adjustments and adaptations of the primary laws are likely to be made, but the adoption of the short ballot is fundamental to all of them. The suggestion has been made that a system of party enrollment be adopted. This is now the law in a number of states, but in many communities would not be desired. The enrollment tends to exclude many voters who are members of the particular party, but who for various reasons do not care to affiliate formally with any party. There are thousands of these voters, and they are often very influential in obtaining the best type of nomination. Their exclusion would be unfortunate. This is especially true as women without traditional party affiliations are coming into the field of primary activity.

Again, all enrollment systems must be made flexible enough to allow for party change. But just here serious difficulties are encountered. Either change is so easy as to make the system ineffective, or enrollment must be set so far ahead of the appearance of the issues on which parties may divide that those who belong in the party are excluded.

Official pre-primary designation has also been suggested as a desirable amendment of the primary law, with the provision that if there are no opposing nominees there shall be no primary. Selection of party slates of candidates before the primary is now a common practice in many places. But it has not changed the general character of the candidates of the party, as may readily be shown in concrete cases.

In Chicago, for example, the majority faction controlling the county committee suggests a list of candidates, and any other faction then suggests another slate, or other candidates may file and contest with the majority or the minority faction. To make a statutory requirement that there be an official designation of candidates would not change the situation, except that opposing candidates would be branded "rebels," and would be held responsible for the expense of the primary which otherwise would not be held. All of which would help the organization. However, a general provision that there be no primary if there is only one set of nominations, whether official or unofficial, would be of value, and would not discriminate against any list of candidates.

PARTIES WEAK ON RESPONSIBLE LEADERSHIP

There is great need for better organization of party leadership. It is evident that the party is under-organized on the side of policies and principles, and somewhat over-organized on the side of elections and office distribution. The writer's analysis of party leadership, and a suggestion for a party council to remedy the situation, is omitted from this article for limitations of space. The urgent need of better organization of parties for purposes of consultation and conference, interchange of views, discussion of party technique and propaganda, and the opportunity for those personal contacts so important and useful to leaders and managers in other groups, cannot be denied. On the contrary, every effort should be made to develop the party in the directions of intelligent deliberation over questions of public policy, and the development of genuine leadership.

If the party is really to function as an agency for the formulation and expression of policies and leadership, there must be devised ways and means for this purpose. Obviously the stock "convention" does not correspond to the conference and council of other groups with common aims. The party's official and governmental representatives, its leading candidates, its technical managers, its unofficial leaders, might readily be brought together in conference from time to time, if it be desired to do so, and if there were a genuine demand for the better organization of this side of the party's life. In the absence of any adequate organization of the policy determining side of parties, it is likely that the party activities will be treated as primarily a part of the electoral process, and be governed accordingly. The spectacle of public regulation of the details of party organization, and even of the tests of party membership can be explained only on the ground of the ineffectiveness of the party on the side of principles and policies, and of its leadership of the community in this direction. I should like to see the party conference tried both in state and nation (although not by mandatory statutory requirement); and the assembly of the party leaders and managers in genuine consideration of the major issues of public policy and of party technique. Possibly such conferences might be purely perfunctory and ineffective, but if so would this not throw an interesting light on the character of the party and its actual function in the state?

THE SHORT BALLOT INDISPENSABLE

My observation leads me to believe that *the short ballot is indispensable to any satisfactory system of party nominations,* and that there will be continuing and justified dissatisfaction until this is brought about. In the meantime it seems to me that the elements of a sound policy are: the non-partisan election of local officials and of judges; the continuance of the direct primary for state offices; the development of supplementary agencies for party consultation and conference (but not by statutory methods.)[1]

But I believe it is of the very greatest importance to conduct a comprehensive inquiry into the whole nominating system and to obtain the best judgment on the facts that the mature experience and careful reflection of many minds can produce. A possible agency for this purpose would be a committee or commission appointed by each of the parties with direction to review the facts regarding party conditions and to present recommendations for the consideration of the public and the party. If no changes are needed or possible, the value of such a report would be very great in allaying popular discontent and if, on the other hand, alterations are necessary, such a body could indicate lines of modification which if they met with general approval might be adopted and made effective. If the parties will not do this, it might be undertaken by some other agency such as the League of Woman Voters, which would have the advantage of approaching the question without established prejudices; or the Institute for Governmental Research; or the American Political Science Association; or some private endowment in whose conclusions the public might have confidence. The fact that changes in party organization and method are made slowly is only an additional argument for starting the work without delay.

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[1] My discussion of presidential nominations is omitted here.

COUNTY GOVERNMENT IN OREGON—A GROWING PROBLEM

BY HENRY E. REED

Assessor of Multnomah County, Portland, Oregon

An urban county with eighty taxing authorities instead of two, ramshackle rural counties that resist business methods, and arbitrary tax limits by constitutional amendment as the current attempt at a cure!

Every once in awhile the people of Multnomah county, startled by the confusing complexity of local government, propose what seems to them the logical solution, the consolidation of all agencies into one body, to be called, say, the City and County of Portland. At such times, as Pericles said in his oration on the "Causes of Athenian Greatness," "there is visible in the same persons an attention to their own private concerns and those of the public; and in others engaged in the labors of life there is competent skill in the affairs of government." While the subject is fresh it is discussed with vigor and a degree of intelligence, but soon the interest wanes and no more is heard of the matter until some incident of public administration causes it to bob up again. Then it passes through the same endless chain of rediscovery, analysis, argument pro and con, and lethargy. The issue is a vital one, but there is no organized endeavor to instruct the people upon the advantages of unified government, no positive programme to work to, and the result is inevitable, nothing definite accomplished.

With this brief introduction, I will leave Multnomah county's chief concern—unification of government—while I give an historical outline of the origin and powers of counties in Oregon, and review the important constitutional and statutory enactments pertaining to them.

HOW THE COUNTIES BEGAN

While the vast area west of the Rocky Mountains and northward from present California to Latitude 54 degrees and 40 minutes was jointly occupied by the United States and Great Britain, the rugged settlers organized in 1843 a provisional government and called it Oregon territory. Some 400,000 or 500,000 square miles, the exact size depending upon what was considered the northern boundary of the United States, were divided into four districts. In 1845 the legislature changed the designation of "districts" to "counties," which was continued by the territorial and state governments. Thus, for seventy-five years, the county has been the principal agency of the state in the Oregon scheme of government.

The state constitution, effective in 1859, recognized the existing counties, and provided that no new county might be created with less than 400 square miles of area, or 1,200 population. Each county was required to elect, biennially, a clerk, a treasurer, a sheriff, a coroner and a surveyor, and was authorized to elect or appoint any additional officers that might be necessary. County debts or liabilities

(Article 11, Section 10) were limited to $5,000, except to suppress insurrection or to repel invasion. In 1912 this section was amended to permit a further debt of 2 per cent of the assessed valuation of all property to build permanent roads, and in 1919 the road limit was increased to 6 per cent. In two cases decided years ago, the supreme court, construing the $5,000 county debt limit as it stood from 1859 to 1916, held "that, in the administration of its affairs, debts of a certain class were thrust upon the county by operation of law, and were not within the constitutional limitation, such as salaries and fees of witnesses and jurors, and that the $5,000 limitation applied only to voluntary indebtedness." The tax and indebtedness limitation amendment to the constitution, adopted in 1916, on which more will be said later, applied the $5,000 limitation to "debts hereafter created in the performance of any duties or obligations imposed upon counties by the constitution or laws of the state, and any indebtedness created by any county in violation of such prohibition and any warrants for or other evidences of any such indebtedness . . . shall be void." The effect of the tax and indebtedness limitation amendment upon the $5,000 county debt limitation, according to the recent ruling of the supreme court in *School District No. 24 of Marion County* vs. *Smith*, was to nullify the force of the old decisions of the court "as to a distinction or priority of debts of any class or character, and to bring all kinds of indebtedness within the constitutional limitation."

A PRIMITIVE GOVERNMENT FOR PRIMITIVE TIMES

Under the earliest territorial laws of 1849, county business was transacted by the probate courts. Boards of county commissioners were first created and powers of counties defined in 1851. Present general powers of counties were fixed by act of the territorial legislature, effective May 1, 1854. At that time there were fifteen counties, having an aggregate population of between 30,000 and 40,000. The chief pursuit of the people was agriculture, and their principal place of residence the Willamette Valley counties.

Multnomah county was yet to be created, and he would have been bold, indeed, who would have visioned the complexities of the county's problems at the present day. This act is Section 2861, Lord's Oregon Laws, and it reads:

> Each county shall continue to be a body politic and corporate for the following purposes to wit: To sue and be sued; to purchase and hold for the use of the county lands lying within its own limits, and any personal estate; to make all necessary contracts; and to do all other necessary acts in relation to the property and concerns of the county.

The few words above quoted, enacted into law under primitive conditions sixty-six years ago, comprehend the general grant of authority which the legislature has given to the counties. Time and again the supreme court, in passing upon some issue arising out of the relation between state and county, has ruled that the county is a mere agency of the state. In *Yamhill County* vs. *Foster* (53 Or. 124), the court held that "a county is not a private corporation, but a political agent of the state, created by law for governmental purposes, and charged with the performance of certain duties in behalf of the state." To the same effect is *Mackenzie* vs. *Douglas County* (81 Or. 442) and *School District* vs. *Smith*, decided in the summer of 1920. In the Smith case the court denied the right of a county, in levying a tax, to "nullify a mandatory act of the legislature through the exercise of discretionary power vested in it by other legislative acts."

The legislature set the counties adrift in 1854 and let them work unregulated for nearly sixty years. Laws defining the powers and duties of county boards and county officers fill the codes and session laws, but there is a dearth of legislation pertaining to county finance. All that was required of counties was that they should, through their county boards, at some stated term in the year, levy taxes for their own support, and for any other purposes provided by law, and enter their determination at large in the records. It would be impossible to say, without making a detailed examination of the records of each county, to what extent the determination entered in the records partook of the nature of carefully prepared budgets. The duty was performed as well as might have been expected when the officials charged with its performance were not subject to the check of a superior power. It is perhaps true, in a general way, that for a long time after 1854, more than a half century, some sort of estimates were made each year, that the people understood them, and that the county boards faithfully adhered to them. Still, there are instances where no details of any sort are shown in the records, and only the rate of tax levy in mills for various purposes is entered. During this long period the big policeman idea of government obtained, the needs of the people were few, the cost of administration was light, and there were more watch dogs of the treasury at large then than there are now to challenge expense accounts. At no time during all these years did the legislature think it necessary to require county commissioners to furnish a bond. In 1891, the legislature directed the county boards, sitting in January and July, to examine the books and papers relating to the financial affairs of county officers collecting and disbursing county funds; in other words, make a casual and unprofessional audit. This slipshod enactment was the law of the state for twenty-four years.

During the great depression that followed the financial panic of 1893, all forms of governmental expense in Oregon were kept down to actual necessities. There was economy to the point of parsimony. A typical illustration of the caution that prevailed is furnished by Multnomah county where the total taxes levied on the assessment roll of 1900, when the state was prosperous, were actually 15 per cent lower than the levies on the 1896 roll, when the state was in the dumps.

NEW COUNTY SERVICES

Along about 1901 the people of Oregon began to drift definitely away from the big policeman concept of government. The political powers of the people were enlarged by the initiative and referendum, the direct primary, the corrupt practices act and the recall of public officers, and contemporaneously there sprung up a demand for more service from government. The good roads movement emerged early, followed by a train of new courthouses, libraries, poor farms, bridges, schoolhouses, public auditoriums, salary increases, etc. "All the old services in state, county and city were continued, new ones were undertaken, and new and old were conducted on a higher plane than formerly." Public expense mounted under the pressure and with it taxes. Total taxes levied in Oregon grew from $4,920,000 on the

1902 roll to $18,300,000 on the 1912 roll. Levies on the 1912 roll for county purpose, including roads, but excluding schools, climbed to $7,725,000, or $250,000 more than was raised for all purposes in Oregon on the 1906 roll.

The excitation of the pocket nerve brought a vigorous protest from the taxpayers. Much of the criticism was directed against the county boards, which enter all the levies but are not by any means responsible for them. There were charges of waste, extravagance, unbusinesslike methods in purchases of county supplies, unsystematic accounting, and even of dishonesty. A census bureau official, sent to Oregon to collect data upon the financial condition of the counties, was quoted as saying: "You people of Oregon must be very good natured to permit your county affairs to be handled in so loose a manner."

When the legislature met in 1913, the land boom which had prevailed for most of ten years had subsided, the business depression had set in, and there was a general sentiment in favor of laying upon county government the strong hand of the state. The legislative interest in the welfare of the taxpayer did not, however, extend to reduction of appropriations, for the money grants of the session were the largest in the history of the state up to that time. However, two very important acts were passed. They are summarized as follows:

1. *County budgets.*—Provides that no tax may be levied by a county unless a detailed estimate of the amouns proposed to be raised by taxation it prepared, published twice in a newspaper, and discussed with the taxpayers at a public meeting. At the hearing any taxpayer may be heard for or against any proposed levy. After the hearing the county board must make the levies, but these may not legally exceed the published estimates by 10 per cent. Expenditures may exceed the levy by 10 per cent to take care of emergencies. The county board may prepare the annual estimates or delegate this work to others. In *Anderson* vs. *Hare* (78 Or. 540) it was held that a substantial and not a technical compliance with the law is all that is required.

2. *Uniform system of accounting.*—Directed the state insurance commissioner to install a uniform system of accounting in all departments expending state money and in all counties. The commissioner was vested with sweeping powers and could subpoena witnesses the same as a circuit judge. Beginning January 1, 1914, the commissioner was to make an annual audit of the books and accounts of each county, the cost thereof to be borne by the county concerned. The commissioner was empowered to call at any time for a report from any person or officer or employe of state or county government, whether or not such person actually handled money. All information gained from the audits and reports was to be published in convenient form for the information of the legislature and the taxpayers.

THE REBELLION AGAINST UNIFORM ACCOUNTING

Budget making was accepted without protest, but uniform accounting raised a storm throughout the state. County government had never before in the history of Oregon felt the strong fist of the state in the pit of its stomach, and it rebelled. County officials had long followed their own systems of accounting and would not give them up. The idea of the state's stepping in and telling them to adopt new methods was appalling. So, when the legislature of 1915 met it was confronted with a vociferous demand to put uniform accounting out of business. That much abused word "economy" furnished the excuse. The legislature was wild on the subject and hit right and left, at good and bad alike. In an omnibus measure, repealing a large number of standing appropriations, it withdrew the financial support of the state from uniform accounting and then made bold and repealed the uniform accounting law itself. "Uniform accounting, the safeguard and insurance of economy," said one reviewer of the session's work, "was struck down on the ground of economy. This much abused word economy was never more prostituted for political purpose by the last legislature than when, in the name of economy, they abolished systematic accounting. And the word economy was used by every unscrupulous, extravagant and loud-mouthed political legislator to cover his own selfish purposes."

Having wiped uniform accounting off the books, the legislature proceeded to square itself with the people by giving them (1) a law, superseding the layman audit of 1891, requiring county courts, under penalty of forfeiture of pay, to make a real audit annually of the records and affairs of each county officer handling county funds; and (2) a tax limitation law, named after its author, the Bingham Act, which was applied to all governmental agencies. Under the limitation law, no county, city, etc., could, in any year, unless authorized by vote of its electors, levy a greater tax than the largest amount levied in any one of two preceding years, plus 6 per cent. Statutory millage rates, also, were subjected to the limitation, but levies for bonded debt, outstanding warrants of prior issue, judgments and interest were not included. County assessors were directed to reduce any levy made in violation of law.

The Bingham Act was in effect one year, when it was succeeded by the tax and indebtedness limitation amendment to the constitution, adopted by the people in November, 1916. By its terms, neither the state, nor any municipal corporation authorized to levy a tax, may, in any year, unless permitted by popular vote, so exercise its power as to raise a greater amount for purposes other than the payment of bonded debt and interest than the amount levied by it in the year immediately preceding for the same purposes, plus 6 per cent. If an increase beyond the 6 per cent is voted in any year it must be excluded in determining the levy-base for the following year. There is an indebtedness limitation clause, the effect of which has been heretofore referred to in this article. The restriction of the Bingham Act upon statutory millages was not carried into the constitutional amendment.

The tax and indebtedness limitation amendment rode the bumps safely in the supreme court in July, 1920, in the case of *School District No. 24 of Marion County* vs. *Smith*, as county school superintendent. A legislative act of 1919 directed a county tax of ten dollars per person of school age for the county school fund. The Marion county board, in making up its budgets, levied the ten dollars, but certified that $1.75 of it was in excess of the limitation. In a test case in the Marion county circuit court, the excess was declared void. Thereupon, the school district sought to mandamus Smith to compel him to apportion to it the full ten dollars per capita. In deciding the issue, the supreme court distinguished between mandatory and discretionary taxes voted by the legislature. It held that the school tax was a mandatory tax, and that all tax-levying bodies, in making their budgets, must first provide for mandatory taxes before levying the discretionary ones. "We hold," said the court, "that as to the constitutional limitation the power of the county to levy a discretionary tax is subordinate to its mandatory duty to levy a tax under a specific act of the legislature." In another place the court said that the six per cent limitation must be respected and enforced, and while it denied to the county boards the right to reduce a mandatory tax in favor of a discretionary tax, did not venture an opinion as to what might happen if the boards should have to distinguish between all mandatory taxes and still keep within the limitation—in other words, when, as in physics, two inelastic bodies come into collision.

THE TAX SUPERVISING COMMISSION

The legislature of 1919 again hearkened to the demand of the taxpayers for a further check upon counties and other tax-levying bodies and considered a measure having for its purpose the complete separation of the levying and the spending functions of government. Under the budget laws, the governing body, whether commission, council or board, prepares the estimates, hears the objections to them, makes the levies, and receives and disburses the money. The new proposal was to create a super body over all units of government, with power to pass upon the budgets, make the levies and hold the spending authorities to strick accountability. In the last hours of the session, and after much log-rolling, a bill was put through creating a tax supervising and conservation commission in each county having a population of 100,000 or over. That meant Multnomah county, as it is the only county that can qualify in the matter of population. The measure would have been a good one for the state at large, but the upstate counties did not want it and slipped from under.

When the legislature finished juggling with the bill its teeth had been drawn, and the commission created by it was given advisory jurisdiction, only, over all public bodies vested with the power of levying a tax. It can examine annual budgets, hold hearings upon them, report findings, and make recommendations, but "the power and authority to fix and levy taxes shall remain vested in the same authorities as now provided by law." The commission is empowered to compile statistics of public indebtedness, interest and expenditures; to inquire into management and methods of accounting; and to advise with heads of government with the object of conserving the public money and increasing efficiency. The chief weapon placed in its hands for the furtherance of its objects is newspaper publicity.

The tax-supervising and conservation commission made its first report to Governor Olcott in January, 1920, and presented a mass of valuable information relating to taxes and administration. It stressed the point that in its advisory capacity it cannot accomplish anything tangible. It found that supervision of the numerous annual budgets of Multnomah county in the manner contemplated by the act creating the commission cannot be instituted and maintained without further legislation. Recommendations included the enactment of a competent budget law; constitutional and statutory changes to make possible centralized administration of tax-levying functions; audit and examination of accounts; concentration and uniformity of financial records; installation of cost-accounting methods; and classification of salaries in the public service with the right of continuous employes to progressive compensation.

It is to be regretted that the commission did not see fit to recommend Multnomah county's greatest need—unification of government—and that it went out of its way to attack the county auditor by innuendo. It says that the administrative code, adopted by the county board in 1913, has remained inoperative, especially in its check and accountancy features, "because of official resistance where co-operation should have been willingly extended." The so-called administrative code is a cumbrous document and was compiled by a man who knew nothing of county government in Oregon. In certain phases it conflicts with law, and in others it is manifestly unworkable. It was not worth the $1,000 that it cost. If Multnomah county had never had, nor ever heard of an administrative code, it is abundantly protected in all its financial operations by the law defining the duties of the county auditor, which is sufficiently broad to give the county any kind of a system of accounting it is willing to install and pay for. If the county board is not satisfied that the auditor is conducting his office in obedience to law, which he persistently claims he is doing, the board can refuse to audit his salary, or even mandamus him to bring him to time. Neither of these things has the board ever done. Furthermore, the county board can examine the auditor's records, or it can appoint some one else to do the work. Neither of these things has the board ever done. Again, under a law of 1915, notwithstanding the strict duties imposed upon the auditor, it is the inescapable duty of the county board to make an annual audit of all county officers handling county money. The penalty for failure to perform this duty is forfeiture of salary. Although this law has been in effect for five years, the county board has never ordered an audit, nor have its members forfeited their salaries. Less disposition in certain quarters to criticize and antagonize the county auditor and more willingness to co-operate with him, less disposition to justify an expenditure seven years ago of $1,000 for an administrative code and more willingness to draft a new and better code, would be highly beneficial to county government in Multnomah county. The code of 1913 is far from being the last word on the subject of administration.

A PROGRAM OF REFORM

The reader who has followed this survey of the beginnings and development of county government in Oregon must be impressed with the thought that the whole system is in need of complete reorganization. It is. The legislature could not address itself to a more valuable subject than this very one of disentangling the county mess and whipping the entire structure into workable shape. Definite results can be accomplished by four enactments, in brief as follows:

1. *County charter.*—Counties should be permitted to incorporate under general laws, with powers defined by charter, the same as cities and towns now do, with power to say what officers they shall have, subject to certain constitutional requirements; and with power, also, to fix the salaries of their officers and employes. In general, counties should be vested with as large a degree of local self-government as is compatible with the right of the legislative assembly to pass a law effective everywhere in the state.

2. *Uniform accountancy.*—All coun-

ties should be subject to a state law providing for uniform accountancy, along the lines of the act of 1913, which was repealed in 1915.

3. *Budget law.*—The county budget law should be revised and strengthened and harmonized with the tax and indebtedness limitation amendment to the constitution. For example, the expenditure of 10 per cent beyond the final estimates, allowed by the present budget law, is of doubtful validity, if it creates an indebtedness in excess of $5,000, under the ruling of the supreme court in the recent Smith case in Marion county.

4. *Tax supervision.*—Each county should have a body like the existing tax-supervising and conservation commission of Multnomah county, but clothed with power to enable it to function effectively. The levying and the spending departments of government should be separated and each in its own sphere held to strict accountability.

All of the foregoing measures can be enacted without constitutional amendments, unless it is desired to alter the title or tenure of certain county officers now required by the constitution. The reasoning of the supreme court in *Lovejoy* vs. *the City of Portland* will support these suggestions for county government reform. If the insurance business, which was the issue in the Lovejoy case, is of sufficient importance for the state to assume the exclusive regulation of it, then county government is of sufficient importance for the state to take hold of it and improve it.

THE SUPREME NEED—UNIFICATION

Multnomah county would participate in the benefits accruing from the betterment of county government at large, but for it the ultimate remedy is unification of its local governments. This step cannot be taken hastily. Constitutional authority for consolidation must first be obtained and this will take time. Next will come the drafting of the charter which will draw upon the best talent that the county possesses.

Multnomah county is one of Oregon's thirty-six counties. It is the smallest in size, but it leads all the others in population, wealth, manufacturing and shipping. Its gross area is 451 square miles, of which about 111 square miles are in the Bull Run timber reserve. The principal tax-levying corporations within its boundaries, not counting the county itself, are: Port of Portland 209½ square miles; School District No. 1, of which the larger portion is within the corporate limits of Portland, 80 square miles; the City of Portland and the Portland Dock Commission, each 66.3 square miles. The population of the county is nearly 276,000, or 35 per cent of the state's total, compared with 12½ per cent in 1870. There are 612 people to the square mile, a greater density than is present in Denmark, Holland, Japan or pre-war Germany. Portland has over 93 per cent of the population of the county and over 96 per cent of its assessable wealth. The industrial and commercial interests are extensive.

One who sits before a map of Multnomah county, and traces its transportation systems and is impressed with its tightness, is struck with wonder that its people tolerate the annual levying of taxes by a large number of public bodies "acting independently of each other and actuated by no co-ordinating impulse." Year in and year out, these bodies decide how much money they want from the taxpayers, make their levies and report them to the county board, which orders them extended on the general tax roll. Then the sheriff collects the money, pays it to the county treasurer, who in turn remits to the authority making the levy; and there is no one to say whether or not the levies are too high or too low, right or wrong, conformable to or evasive of the six per cent constitutional limitation, or whether or not the money has been legally or illegally expended. At present there are eighty functions, agencies or activities, or whatever they may be called, which are authorized by law to levy, or order to be levied, a tax in Multnomah county, or some portion of it, and more are being organized. Of these, fifty-four are local school districts. All but two of these eighty bodies could be dispensed with, and government would not suffer an iota. The state's right to levy a tax in the county cannot be denied. The remainder of the work can be done by the tax-supervising and conservation commission, provided the legislature will arm it with the necessary authority.

Multnomah county readily adapts itself to unification of local government. It is small in area, compact, densely populated, gridironed with streets, highways, steam railroads, electric railways, telephones, telegraphs, and water courses, and is easily reached, in every part, in winter or in summer, within a few hours of the courthouse in Portland. I am not among those who believe that the immediate effect of the mere unification of local governments will be a reduction of expenses, but this result is possible in a high degree if the right sort of men draft the city-county charter and start the consolidated government upon an economical foundation. I do say, however, that government can be better conducted by one agency than by fourscore of unrelated agencies, and that the immediate effect will be greater efficiency, and that the ultimate effect will be both efficiency and economy in administration.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

The Illinois Constitutional Convention Takes Long Recess.—The Illinois constitutional convention, after nearly a year of floundering, has taken a long recess, leaving the people of the state, who expected so much from this body, in doubt as to whether it will ever submit anything that will meet with the approval of the voters. The convention met in January, 1920, and was in session most of the time until July, when it took a recess until November. After reconvening, and remaining in session for a few weeks, another recess was taken until September, 1921.

Successful business men, bankers, and lawyers of high standing are prominent in the convention. Judged as individuals, the membership rates high. Collectively, the body has shown little ability thus far to function effectively. Most of the members have a strong sense of individuality, and commanding leaders have not appeared. There is no real group working for a definite program. Proposals thus far given tentative approval by the convention in committee of the whole form a rather confusing mixture of good and bad features. Apparently the majority intend to submit the new constitution to the people as one document, which many think means sure rejection. If the convention will submit its work to a popular vote by parts there is much more chance that some features will be adopted. There is much pessimism, both within the convention and among the people of Illinois, as to whether anything will be accomplished. Just prior to the last recess there was difficulty in keeping a quorum.

The subjects arousing the most controversy were those of revenue, limitation of Chicago's representation in the legislature, and the initiative and referendum.

Many citizens of Illinois confidently expected that the convention would authorize a provision for the classification of property for purposes of taxation. The majority refused, however, to give sanction to this idea, but voted to leave in the constitution the requirement for the taxation of all property according to the rule of uniformity. The draft as approved in committee of the whole does stipulate, however, that there may be an income tax on intangible property as a substitute for other forms of taxation of such property. There is provision also for a graduated, progressive income tax with the proviso that the highest rate shall not be more than four times the lowest rate.

At the time the delegates were elected, the *Hearst* newspapers of Chicago were instrumental in securing a popular vote on the question as to whether the proposed new constitution should contain initiative and referendum provisions. The vote on this question was favorable in the state at large, including Chicago. The proposition failed to carry, however, in the part of the state outside of Chicago. When the principle of the initiative and referendum was rejected several members left saying they would not return, and the *Hearst* papers announced that the convention was dead.

After bitter debate, the majority of the committee of the whole voted for drastic limitations upon Chicago's representation in both houses of the state legislature. Thereupon, some of the Chicago members withdrew; others resigned committee memberships and announced that they would perform no more work so long as the attitude of the convention should remain what it was upon the question of limiting Chicago's representation. The Chicago members, while contending for the principle of equality of representation in both houses of the legislature, stood willing to accept as a compromise some limitation in one house.

While the convention contains some able advocates of the short ballot principle, the majority of the body is opposed to any move in favor of a shorter ballot.

The provision concerning counties, as tentatively approved, though awkward in form, holds out hope for substantial progress in county government. After repeating various restrictions of the existing constitution that interfere with intelligent legislative action regarding counties, the proposal stipulates that notwithstanding such provisions the legislature may enact laws uniform as to classes of counties for the organization and government of counties, which shall become effective when approved on local referendum.

The convention approved the idea of giving Chicago broad constitutional home rule powers, with the right to frame and adopt its own charter. However, it refused to give home rule charter making powers to other cities of the state.

There are provisions intended to authorize the consolidation of the governments of Chicago and Cook county, but it is doubtful whether in their present form they will serve their purpose.

There are provisions about zoning and excess condemnation that are held to be fairly satisfactory.

One interesting provision approved by the committee of the whole is that intended to give cities additional borrowing powers for the acquisition of local public utilities. The present constitution limits debts to 5 per cent of the assessed valuation of the taxable property. The proposal in question aims to authorize an additional indebtedness for municipal ownership purposes of 15 per cent of the value of the real estate. This additional debt-incurring power is accompanied by the condition, however, that the rates charged by municipally owned utilities shall be high enough to make the property self-sustaining.

Everything that the convention has done to date is tentative. There is uncertainty as to what may be the course of action when it meets again next September. In some quarters the hope is expressed that the spirit of compromise may be invoked so as to secure agreement upon a program that can be expected to secure popular approval when the results shall be submitted to the people.

⁂

Employment Standardization in Philadelphia.—It will be recalled from Mr. Woodruff's article in the July, 1920, number of the Review, that the actual work on employment standardization in Philadelphia was begun on April 17, 1920. For the technical work the civil service commission had retained Griffenhagen and Associates, Ltd., a private consulting firm from Chicago. In order to enable the mayor and the city council to incorporate the new standard titles and the new standard rates of pay in the budget for 1921, the date for the completion of the civil service commission's report was fixed by council at October 1. The commission, in turn, required in its contract with the private consulting firm that the latter should file its report by September 15. Both the private consulting firm and the commission reported the body of their recommendations well within their respective time limits.

To facilitate the application of the commission's recommendations to next year's municipal pay-roll, the mayor, on August 12, issued instructions to all departments asking them to embody the new standard titles of positions and the new standard rates of pay in their budget estimates for personal service. These instructions in the main were faithfully carried out and the departmental estimates were forwarded to the mayor.

On October 13, when the mayor transmitted his budget to council, he announced that in order to stay within next year's revenue under the existing tax rate, it had been necessary to lay aside the recommendations of the civil service commission with regard to salary increases, and that "with a few minor exceptions" only policemen and firemen were to receive a substantial increase in pay. The new standard titles also had been stricken from the budget estimates and the old titles had been restored. In effect, this was a complete repudiation by the mayor of the recommendations of the civil service commission. The only hope for their adoption thereafter lay with council.

Almost at the outset the sentiment in council appeared to be unfavorable to the recommendations. Although Philadelphia city employes are at present grossly underpaid, there is at this time such strong popular feeling against higher taxes that council declined to assume responsibility for the immediate 10 per cent increase in the cost of personal service which the adoption of the standard rates of pay would have entailed. The mere fact that the mayor had thrown his influence against the recommendations also proved a big obstacle in the way. It was not surprising, therefore, that on December 6 council took definite action continuing the existing schedule of titles and salaries and postponing the whole problem of classification and standardization until next year. The only general increases in compensation enacted during the budget deliberations applied to the uniformed police and fire forces, the rank and file of which were given a flat rate of five dollars a day regardless of their length of service.

William C. Beyer.[1]

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[1] Assistant Director, Bureau of Municipal Research of Philadelphia.

Reorganization of the Federal Departments.—On December 14, 1920, the House of Representatives finally passed S. J. 191, which had been passed by the Senate on May 10, in the last session. The joint resolution, which became a law automatically after ten days in which the President failed to veto it, will create a joint committee of six, three from the Senate and three from the House, "to make a survey of the administrative services of the government for the purpose of securing all pertinent facts concerning their powers and duties, their distribution among the several executive departments, and their overlapping and duplication of authority; also to determine what distribution of activities should be made among the several services, with a view to the proper correlation of the same." It is provided that the committee shall report from time to time both to the Senate and to the House and prepare and submit bills; but final report of the committee is required by the second Monday in December, 1922. The committee is specifically authorized to go into the executive offices with the right of examining all records and, presumably, all persons, therein.

It is generally admitted that the Federal departments and commissions could be grouped more advantageously and a good deal of work has already been carried on in the way of securing and collating information by civic bodies, semi-official groups and by the United States Bureau of Efficiency. It came somewhat as a surprise to those who had followed this work that, judging by the debate in the House, the sponsors for the joint resolution apparently had it in mind to conduct some such detailed survey as had been carried on by the Joint Committee on Reclassification, which employed an army of experts, commandeered the time of hundreds of clerks employed in executive departments and expended a generous appropriation of public money in the preparation of its voluminous report. The date set for the final report on reorganization two years hence would indicate the scale on which it is proposed to proceed.

Harlean James.

⁂

Philadelphia Votes for $33,000,000 Improvements.—At the November election the voters of Philadelphia voted upon a $33,000,000 loan ordinance for permanent improvements. The loan was carried by four to one. Among the interesting items are those having to do with buildings that are to front upon the Fairmount Parkway, the new diagonal thoroughfare which itself cost $17,000,000. The items include $1,500,000 for the art museum which, with previous loans, makes $3,500,000 available. There is included $1,000,000 for the public library, which makes a total of $4,750,000 available. The new building for the municipal court is provided for to the extent of $1,000,000 which is to be added to $900,000 already made available. Toward the acquisition of property for the construction of the city hall annex $1,000,000 is available.

Philadelphia has opened the Delaware Avenue, an important riparian thoroughfare along the water front, which at its narrowest portion is now 150 feet wide. The Loan bill provided for carrying this improvement both north and south, a total of $1,550,000. For various parkways and parks the voters approved $2,750,000, this including especially playgrounds and parks in the congested section of the city. Philadelphia has been building a new elevated system and is preparing to extend and improve its water supply and among the items are $6,600,000 for these two purposes. There is also included $3,500,000 for construction of wharves and docks.

The emphatic note of all recent city planning in America is accomplishment and in such improvements as the Fairmount Parkway and Delaware Avenue, Philadelphia has an honorable place among the leaders.

Andrew Wright Crawford.

⁂

Ontario Committee Reports on P. R.—The committee of the Ontario legislature appointed to study and make recommendations in regard to proportional representation has just submitted its report, approved by a good majority of the members. The report recommends:

(1) The experimental use of the Hare system of P. R. in two cities (Hamilton, and Toronto being suggested) and two large semi-rural constituencies for members of the provincial legislature;

(2) The use of the Hare system in single-member districts (the "alternative vote") for the remainder of the legislature; and

(3) Legislation making the Hare system of P. R. optional for Ontario cities.

This report may be regarded as a result of the successful trial of P. R. in the Winnipeg provincial elections last June, at which Mr. A. S. Winchester was present as representative of the Ontario government.

Zoning in Milwaukee.—Readers of the REVIEW will be glad to hear that the admirable zoning ordinance, prepared for Milwaukee under the guidance of Arthur C. Comey of Cambridge, Mass., as consultant, has been adopted by the city. The ordinance, while along the usual lines, adopts some of the newer methods of regulation. There are four use districts,—residence, business, commercial and light manufacturing, and industrial. There is a limitation, varying in the various area districts, of the number of families permitted to the acre or fraction of the acre, as in the Newark ordinance and one or two others of recent date. There are no one family house districts, all residential structures being allowed in the residential districts. The enforcement of the ordinance is in the hands of the building inspector, as it should be. The city has no authority to establish a board of appeals, but will ask the next legislature to grant them this power.

*

County Home Rule in California.—Santa Clara county, California, the seat of Stanford University and the center of the prune industry of the county, is considering the adoption of a freeholders' charter. Following the lead of San Bernadino, Los Angeles, Tehama and Butte counties, which have home-rule charters, and San Francisco, which has city and county consolidation, Santa Clara county with San Jose as its county seat, has discussed both plans and will proceed with a freeholders' commission to draw up a home-rule charter. No consolidation is possible under a borough system of city and county government, because of the extent of area and the diversity of interests. No separation of the county is possible at present because of constitutional and statute provisions which cannot be avoided. This leaves the home-rule plan with a consolidation of offices and a readjustment of functions and duties, as the only possible alternative, and the one most generally accepted by city and county organizations.

EDWIN A. COTTRELL.

*

Minnesota to Tax Iron Ore.—One of the issues in the state of Minnesota for a number of years has been the special taxation of iron ore. A tonnage tax bill has been introduced into every session of the legislature except one since 1907. Such a bill was vetoed by Governor Johnson in 1909 and another was vetoed by Governor Burnquist in 1919. This matter was one of the main issues in the recent state election. It is now generally believed that a special tax for state purposes will be levied upon iron ore at the session of the Minnesota legislature which meets in January. Such a tax would relieve, to some extent, the burden upon Minnesota municipalities.

II. MISCELLANEOUS

English Housing Notes.—Last October, Mr. Lloyd George explained to the British Parliament that the house shortage in England at the present time numbers 500,000. Also he added 100,000 houses are needed annually to take care of the regular increase. A ten years' program therefore would call for a million houses.

Since the new housing act was passed and England began her scheme of subventions and subsidies to house builders not much actual progress has been made. In October the minister of health, Dr. Addison, gave out public figures to show that in something less than two years only 7,000 houses had been built, although 50,000 more were in various states of erection.

The Prime Minister wishes to dilute the building trades with unskilled workers in order, as he says, to build more houses. The unions' reply is, that so many men are employed on luxury building such as cinemas, garages, and the like, that there are not enough workers for the houses. From what can be learned their contention seems true.

The most interesting development at present is the award of a contract for 400 houses to the London Building Guilds. These houses are to be built at Walthamstow, a suburb of London, and involve the sum of 400,000 pounds. The guild of course builds without profit and if the housing shortage of England can be solved by the mere building of houses it seems likely that the building guilds will have to be depended upon to carry out the work. The Wholesale Co-operative Society works jointly with the guilds in supplying materials at the lowest possible price and in the case of Walthamstow, the Co-operative Insurance Company insures the contract up to 20 per cent of its value.

News comes that the city of Sheffield has completed its own civic survey—the first to be made by any English municipality. The results have been translated into diagrams which have been hung in the town hall so that the people can get a really clear understanding of how Sheffield came to be what it is, and where it is going. The growth and direction of population, the influences of transportation are revealed and great emphasis is given to the difficulty of carrying out such complex problems as housing betterment. The people of Sheffield are shown that before houses are built it is necessary to know where to build them, although the importance of gaining this knowledge is never considered in America from the broad standpoint of the common welfare. The Sheffield diagrams reveal the city as a jumbled lot of unrelated and inconvenient groupings which is of course what happens to all cities under the present and haphazard method of growth. We are not informed as to whether the Sheffield diagrams present a study in land values but it is very interesting to note that the city of Manchester is proposing as one of the fundamental steps towards a solution of its great housing problem, a 5 per cent capital tax on land values. It is true that the corporation of Manchester has decided that its great public services shall be run hereafter as nearly as possible at cost and not for a profit. "Perhaps the Council would not have come to this Spartan conclusion," says the Manchester *Guardian*, "if they had not seen an avenue of relief opening through the capital tax of 5 per cent on land values." Of course this tax would only bear upon unused building sites although the scheme proposed would involve the untaxing of buildings and improvements "to the extent of the reduction of the rate." The *Guardian* believes "that the greatest and simplest reform in housing would be simply to lower if not to sweep away the tax on building." This is of course the theory of the single taxers, but at present it remains a theory only. Under the present price and profit system of industry, the guilds believe that the untaxing of buildings is not the only answer.

Charles H. Whitaker.

*

City-Planning Notes.—One of the newest cities to start city-planning work is Poughkeepsie, where the president of the Chamber of Commerce has appointed a city-plan committee.

In Indiana, the movement for city planning is practically state-wide. In Indianapolis, Terre Haute, South Bend, Elkhart, Fort Wayne, Muncie, Marion, Anderson, Mishawaka, there is definite city-planning interest manifested. In Marion and Elkhart a city plan, or at least some phases of it are being prepared. In Indianapolis and Terre Haute there is a city-plan committee, and in most of the other cities there is a city-plan committee of the Chamber of Commerce. All this interest is now being crystallized in an effort to pass a city-planning and zoning bill at the present session of the legislature. The Indianapolis committee is known as the Committee of One Hundred, and was appointed by the president of the Chamber of Commerce.

St. Paul, Minnesota, will continue the city-planning program under way. The work is now well started, and Messrs. Bennett & Parsons, Consultant City Planners, will make their preliminary plan report on a general street plan the first of the year. The city council has appropriated for work in 1921—$23,000, and a balance of $10,500 in the present year's funds has been reappropriated, $8,500 for a zoning survey, and $2,000 for a survey of street railway facilities, and a report on rerouting.

Mr. George H. Herrold, secretary of the Plat Commission, is also managing director and engineer for the St. Paul City-Planning Board, thus making it possible to correlate the work of these two bodies and control the development in the entire county area surrounding the city.

*

Meeting of Governmental Research Conference.—The sixth annual meeting of the Governmental Research Conference took place at Indianapolis on November 17 and 18, some of its sessions being held jointly with the National Municipal League. Forty-six members were present from fifteen different bureaus.

The sessions of the conference were devoted mainly to discussions of civil service and accounting, and to the more effective organization of the research movement. The old committees on civil service and the budget section of the model state constitution of the National Municipal League were continued: new committees were established on budget classification, the budget section of city charters, the purchasing section, the accounting section and the bonding section, of charters, statistics of city debt, and the organization of boards of education.

The following officers were chosen for the coming year: James W. Routh of Rochester, Chairman; Robert E. Tracy of Indianapolis, Vice-Chairman; and Lent D. Upson of Detroit, Secretary and Treasurer.

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SERVICE AT COST FOR STREET RAILWAYS

A SYMPOSIUM

Four Papers by Experienced Public Officials Answering the Question, "Is Service-at-Cost a Panacea or Nostrum?"

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SERVICE-AT-COST—PANACEA OR NOSTRUM?

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Editor's Note.—The four papers contained herein were read by the authors at the twenty-sixth annual meeting of the National Municipal League in Indianapolis, November 17–19, 1920. They are printed as a separate supplement in response to numerous inquiries and requests.

BOSTON—THE PUBLIC TRUSTEE PLAN

BY JAMES F. JACKSON

Chairman, Board of Trustees, Boston Elevated Railway

Chapter 159 of the acts of the legislature of Massachusetts of 1918, known as the Public Control Act, went into effect on the first day of July in that year. It arranged what is practically a lease of the Boston Elevated Railway for the term of ten years to the state of Massachusetts representing for that purpose Boston and certain suburban cities and towns which the railway serves. Five trustees to be appointed by the governor of the state and to hold office for the ten years of the lease were given absolute control over the management and operation of the railway. The rental was to be paid in fixed dividends upon outstanding stock at 5 per cent for the first two years, at 5½ per cent for the next two years and at 6 per cent for the balance of the term.

This act grew out of the vain struggle under private management to furnish service upon a five-cent fare, a struggle that even under pre-war prices and conditions had grown more and more desperate until the payment of dividends was suspended and the effort to maintain the property practically abandoned. The problem was no longer a question of profits for stockholders but of the existence of the service upon a system prostrated by lack of capital and revenue.

The legislature could have met the situation in any one of four ways. It could have allowed the railway to go into the hands of a receiver with the consequent expense, delay and uncertainties; or it could come to the aid of private management with relief from burdens and with guarantee of credit; or it could commit itself completely to the theory of public ownership; or it could take the less radical step of an experiment with public control of the railway under temporary lease from its owners. It chose the last of these courses.

WHY THE TRUSTEE PLAN WAS ADOPTED

Three factors in the situation undoubtedly had influence in bringing about this decision.

The first was the fact that the usefulness of the street railway had come to be fully understood. It was appreciated as never before that the street car is not alone the poor man's carriage but that of the public official, the man of business, the professional man—directly or indirectly the carriage on which everyone relies and for which no jitney or other kind of electric omnibus can be substituted. It must be preserved.

The second was the fact that this metropolitan railway represented an honest investment under a public supervision that had prevented excessive issue of stock or bonds and that, therefore, there was no call for reorganization to eliminate watered stock.

The third was the fact that the new capital which was indispensable to sustain this service must be obtained by buying it at market prices as other necessities are bought, in other words that investment must have its secure return.

To the legislative mind the problem for experience to solve was whether or not a public management could be efficient, that is conducted without waste and without loss of ambition or pride in achievement. It was thought that a trial was worth while.

The basic plan for this experiment was that which I believe is the best for any street railway enterprise—a service at cost—meaning of course proper or necessary cost.

In assuming their duties the trustees took over a railway that covered 535.326 miles of track, 475.717 miles of it surface track, 30.080 miles in subways and 29.529 miles upon elevated structure. Much of the surface track was of light construction and badly worn, a large part of the rolling stock in poor repair and of obsolete type. The power plant was in process of development and repair shops and car barns utterly inadequate. The total investment in this railway system was $93,612,211.21 represented by outstanding stock and bonds in about equal proportion. The aggregate cost of the subways and tunnels under lease to this company was $35,033,506.11. The Cambridge subway was then included in the corporate property at its cost of $7,868,000 but last winter this subway was transferred to the state practically at cost and leased to the company as the other subways had been leased at construction.

MORE REVENUE NEEDED

The act directed the trustees to reinstate the railway in good operating condition. To do this additional capital and additional revenue must be immediately obtained. As a measure for providing a first installment of the needed capital the act authorized an issue of preferred stock to the amount of $2,000,000. To secure operating revenue the act directed the trustees to put in force fares that would make the service self-supporting and provided that meanwhile deficits incurred should be met from taxation in the cities and towns served by the railway, the amounts so advanced to be repaid whenever operating revenue should exceed operating cost.

The new capital was immediately used in part payment for 250 modern cars. Successive advances in fare followed. A seven-cent fare was put in effect in August and in October gave way to an eight-cent fare which after a trial of seven months also proved inadequate. At the close of the year ending on June 30, 1919, receipts had failed to meet expenses by approximately five million dollars which amount was raised by taxation in the cities and towns served.

The ten-cent fare now in force was introduced in July, 1919. Losses under it continued in decreasing amount for two months, but in September this fare began to produce revenue sufficient to meet expenses and eventually to absorb the earlier deficits so that on June 30, 1920, the trustees were able to report that operating receipts for the year had met operating costs including all fixed charges and a reserve to depreciation.

In summer months the expense for street work is always large and receipts are always smaller than in other months, traffic falling below average. These conditions prevailed as usual in July, August and September of this year. The expected operating deficit for those months was realized but unless some extraordinary event intervenes this will be readily absorbed before next July leaving at the close of this year as at the end of last year no deficit.

There is a natural interest about the effect of higher fares upon traffic. Our experience has shown that there has been a gain in total revenue but a loss in the number of passengers carried.

Under the ten-cent fare this loss at first amounted to 12 per cent of the traffic but gradually diminished to 10 per cent. To use figures the number of passengers carried under a five-cent fare for the month of October, 1917, was 32,854,047. Under the ten-cent fare in October, 1920, the number was 29,382,315.

Had there been during this time no unusually large increase in operating costs over those prevailing in the days of private management, receipts would have met expenditures at a fare considerably below ten cents. As everyone knows, however, prices had risen upon every hand at a tremendous pace. This was featured most strikingly through advances in wages. The average number of employes upon this railway is 10,000. In the spring of 1918 an advance in wages took place the effect of which was felt throughout the first year of public control. In that year a further advance took place and last year a third. The aggregate increase in operating cost on this account has been approximately $7,000,000. To-day more than half of every fare goes to compensation of employes.

The higher cost of coal has been another leading feature of increases in operating cost. Owing to a favorable contract that expired last July this advance has been seriously felt by us only during the last four months. As our yearly consumption of coal approximates 300,000 tons the additional expense this year would reach at present rates $2,000,000.

One item of expenditure is a reserve to depreciation amounting to $2,000,000. This is annually set aside from fares to provide for renewals and replacements. Proper charges to depreciation are made not to build up the property to the full measure of original investment for the benefit of stockholders, but to maintain it in good operating condition for the benefit of the public.

This means that the old-fashioned notion of maintaining a railway by hand to mouth methods with large expenditures in prosperous years and small expenditures or none at all in the lean years is a thing of the past. Sound policy to-day takes care that out of every day's receipts something is put aside to meet the wear and tear that is constantly taking place. The lack of this precaution accounts in large part for the disasters which have overtaken so many street railway enterprises.

ZONE FARES OR FLAT RATE?

Boston has a single flat fare. It is a tradition and also the profound belief of many that this distributes the population, attracting people from congested centers into the outlying suburbs and that in so doing it establishes more healthful living conditions. Many families have undoubtedly established their homes in these suburbs in the confident belief that this single flat fare would never be disturbed. But there are in Boston enthusiastic advocates of zone fares as more equitable and just in making the cost of riding proportionate to some extent with the distance the passenger is carried. The trustees are studying the comparative merits of the two systems in the light of experience in this and other countries.

Experiments have been recently made with a five-cent fare upon lines where the run is short and where practically no competition with the general ten-cent fare is involved. Some of these experiments have proved failures but two of the lines are now in successful operation.

Nothing is more idle than an attempt to compare street railway service in one city with that in another without the knowledge that is necessary to enable one to make proper allowance for distinguishing conditions that make the service dissimilar. These differing conditions vitally affect both the kind and the cost of transportation. Take a look at the situation in Boston. The center of business is confined to a small area into and from which on an average forty to fifty thousand people daily ride upon the street cars at about the same hour in the morning and at night. The problem of furnishing proper accommodation is one that is difficult. We have here a transportation wheel with a hub becoming more and more inadequate to receive the spokes which enter it as the terminal for radiating lines. Street surface was long ago inadequate for general travel and the street cars were driven into subways. The first subway built in this country was built in Boston. The cost of constructing and maintaining these subways is borne under existing law by the car rider in rentals paid from fares into the public treasury. The exaction of this tax now means an annual payment of nearly $2,000,000 or one-half of a cent upon each ride.

This is a relic from days when tolls were exacted for the use of highways. The street car is a public conveyance operated in Boston by public officials and the subway is a public highway. The automobilist uses highways specially adapted at great cost to his convenience without contribution from him to construction expense. What excuse is there for this discrimination in his favor and against the car rider?

The investment in the Boston elevated system, including subways and tunnels, is $136,500,000. The average ride over this system is four and one-half miles while the longest distance covered is nineteen miles. The average number of passengers carried daily in 1918 was 955,245; the average in 1919 was 889,750. The average for October of this year was 947,816. The budget of expenditures for 1919 was $32,000,000. The budget for this year is $34,000,000.

Upon assuming office the trustees immediately worked out a general plan of improvement involving a total outlay during a period of five years of about eighteen million dollars chargeable in about equal proportion to capital and replacement. Substantial progress has been made toward the consummation of this program bringing with it modern cars, improved track, larger accommodation and more frequent service.

The trustees make no claim as to the success of the experiment in public control which is in their charge. One reason for saying little or nothing about what has been done is the ever present knowledge on their part that whatever it may be it is only a step toward the goal which they hope the service will finally reach.

The board is organized with chairman and recording secretary, the former assuming the duties ordinarily performed by the president of a railway and the latter those ordinarily performed by the clerk of a board of directors. Committees of two are assigned to administrative departments and report from their several spheres of activity at the stated or special meetings of the board. The trustees in this way are keeping in close touch with all matters of administration. The operating staff has at its head our general manager, Edward Dana, who was appointed to that position in recognition of his fitness for its responsibilities. The confidence reposed in him has been amply justified in what he has accomplished, and his ability, energy and untiring devotion to the work and his harmonious relations with the trustees and with subordinate officials and employes have proved invaluable.

GUIDING PRINCIPLES OF ADMINISTRATION

There are certain principles of administration that the trustees have adopted to which I will briefly refer.

Roosevelt, as we know, was fond of referring to the square deal. If men would oftener take the trouble to get below the surface of life they would find that there is something in every one that responds to the call for it, for even handed justice. It is the saving grace in the world. But we can be sure that no such thing is possible where ignorance rules instead of knowledge. Every effort then should be made to give out the truth, the whole truth and nothing but the truth with respect to all matters that are of interest to the travelling public.

Nothing hinders the approach of railway service to the standard which it ought to reach so much as the lack of patience. We all fail to exercise it. We jump to conclusions without knowing the facts; we hand in our verdict without waiting for the evidence. How can we secure patience on the part of the public? In only one way, by publication of facts. Plain and complete and frequent information makes for the sound public opinion which is the safeguard of management.

Street transportation must always be subject to unavoidable interruption. A car loaded with passengers anxious to reach office or home stops, and another car stops, and another, and another until the line is choked with cars carrying hundreds of impatient men and women. The use of every effort to let the crews and the passengers know perhaps that a truck has fallen across the track, or that a drawbridge is up, or that a rail is broken, or something wrong with the power is worth the cost at almost any price. With the information conductors can cope with the emergency and passengers will be as patient as we can fairly ask.

Financial interests are entitled to know the whole truth. Credit cannot live without frank information. If this is given credit will follow as far as it ought to follow.

Close relations should be established between management and employes. Acquaintance on the part of the men with receipts and expenditures with the reason for existing conditions and plans for their improvement and opportunity to make suggestion about them will tend to lessen indifference, create mutual confidence and awaken ambition and pride in work.

Street car service for the most part is a personal undertaking. Its standing in the community depends chiefly upon the men who operate the cars. Directors or trustees or general managers may be wise in their day and generation and yet if their wisdom fails to establish team work with their employes it will be of little avail.

Co-operation between the public and employes is vital to success. Both must contribute to it. Bad work by the employe is quickly condemned. Why not commend good work? The automobile is the carriage of the individual. The car is the carriage of a group of individuals, practically their automobile. If your chauffeur shows skill you compliment him. Why not say a word in commendation to motorman or conductor who does good work?

Everyone knows the difference between the motorman whose skill makes the journey safe and agreeable and the motorman who stops and starts his car in a way that throws his passengers about or drives it at a pace that is disagreeable if not dangerous. Everyone appreciates the conductor who is alert, helpful and pleasant. Why should passengers refuse to heed the request he makes of them in their own interest and that of all who ride?

I have a last personal word. I have long been acquainted with the men who have had charge of the railways in Massachusetts and in New England. They have been men who are held in the highest esteem in the communities where they live. Through the stress of all these years they have kept at their posts undismayed. The record is one of ability, loyalty to public interests and unblemished honor. Nor are they unlike the men who have managed street railways elsewhere.

Under the conditions which prevail to-day we may all of us feel a new zeal, a new confidence in the success of the work at which they have labored so long. My last word then is one of optimism. But the struggle is not over. Fares are not yet adjusted. There is the fight against the jitney and the contest with the private automobile; the search for new economies to meet higher costs of operation; the effort to restore credit and inspire new confidence in capital. So it is an up grade and a long pull that lies ahead, but the street car is bound to win.

INDIANAPOLIS RETAINS THE FIVE-CENT FARE[1]

BUT REJECTS SERVICE-AT-COST

BY E. I. LEWIS

Chairman, Public Service Commission of Indiana

Your convention meets in Indianapolis, a community that believes in a five-cent street carfare. It hopes to retain it.

Those of you who have come from Portland, Maine, and Portland, Oregon, from New Orleans and the Twin Cities, and from cities between, may experience in Indianapolis the pleasant reminiscence of the good old days of five-cent street car rides. With the desertion of Cleveland, the list of places where the all but forgotten sensation of buying a street car ride with one coin—unless it be a ten-cent piece—is approaching the point of near extinction.

Delegates from Portland on the Atlantic Coast paid a ten-cent street carfare to get to the railroad station. If they stopped at any cities enroute, except New York whose five-cent fares are causing heavy deficits that cannot continue, they have paid seven, eight or ten cents for street car rides. In Boston it was ten cents, in Providence six, in Albany seven, in Buffalo seven, in Newark seven, in Philadelphia seven, in Baltimore seven, in Washington eight, in Pittsburgh ten, in Cleveland six, in Detroit six, in Toledo seven, in

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[1] Editor's Note: At the time of the National Municipal League meeting in Indianapolis, there was pending before the Indiana Commission, as commented on by Mr. Lewis in his address, a petition of the Indianapolis Street Railway Company for a two cent transfer charge. This petition was acted upon December 18, 1920, and a one cent transfer charge was granted, the five cent basic fare being retained. The question of retaining or increasing this charge in the future will be answered in accordance with the anticipated changed conditions affecting both costs and revenue during 1921, as their effects are discerned.

Columbus six, in Cincinnati eight cents.

Those coming from Portland on the Pacific Coast paid eight cents to get to their station. If they stopped off enroute they paid a ten cent fare in Seattle, in Tacoma ten cents, in Spokane six, in San Francisco five, in Los Angeles five, in Salt Lake seven, in Denver six, in Topeka eight, in Omaha seven, in St. Paul six, in Minneapolis six, in New Orleans eight, in Louisville five, in Kansas City eight, in St. Louis seven, in Milwaukee seven, in Chicago eight cents.

On July 1, 1920, I do not have the numerous changes upward since that date, if you had stopped off for a street car ride in any one of 69 municipalities, including such cities as Boston, Pittsburgh and Seattle, you would have paid ten cents for a street car ride; if in any one of 32 cities, eight or nine cents; if in any one of 178 cities, seven cents; if in any one of 176 cities, six cents; and, generally, there would have been extra charge for transfer or for continuation of ride from one zone into another zone. To-day 600 cities have street car cash fares in excess of five cents.

While discovery of a place where one can actually buy 18 miles of riding for five cents is notable, it is not as remarkable as the discovery that the company is solvent and full of hope. Returning confidence in its future is indicated by higher bid prices for its securities.

On July 1, 1920, there were 118 companies, with a total of 7,820 miles of track in receivership. Since July 1 there have been a number of receiverships added to this depressing total. Other companies, some of which have exhausted possibilities of eight- and ten-cent fares, are showing hopeless tendencies. Fifty-six of those 118 receiverships occurred between June 1, 1919, and July 1, 1920. Obviously the departure from the five-cent fare has not been a complete success. As an institution the street railroad has the pallor of bankruptcy.

A great deal of attention has been directed to rehabilitation, or one might say resuscitation, of the national system of steam railway transportation. Our congress has given its best efforts to that solution. Important as is the problem of the steam railroads, the fact remains that while they transport approximately one billion persons annually, the street railways transport fourteen or fifteen persons to every one carried by the steam roads.

The day is past when financial distress of the street railway industry could be looked on as being only of concern to the industry. The growth of cities is, as never before, insistently demanding money for extensions. The fact that the voice calling for that money generally does not inspire confidence constitutes one of our most important municipal problems.

THE COMPANY'S ATTITUDE TO THE FIVE-CENT FARE

When I was invited to appear on your programme it was to speak on "The Success of the five-cent fare in Indianapolis." I suggested change of title to "The Five-Cent Fare in Indianapolis." That does not imply that the five-cent fare has not been a success, but I believe that no one should speak of accomplished success until the war's readjustment period is past. We hope, and there seems to be good reason to expect, that two or three years from this time Indianapolis, when called on at one of your meetings, can respond to the toast "Indianapolis, the Five-Cent Street Carfare City." I proceeded after making the change in title to block out what I would say. Since then, however, a changed condition has come. The local street car company, by formal petition, has come to the Commission saying that the frenzied price raising in coal has caught it and reversed, with the beginning of fall, the favorable financial showings made up to that time. The company is asking for temporary relief, a transfer charge and readjustment of payments by interurban companies for trackage and terminal facilities, to tide them over this coal crisis.

The significant feature of the petition, however, is that there is indicated no desire for a higher basic fare than five cents.

What can be more remarkable than the experience of a public utility commissioner having gentlemen who two years ago sat on the front steps bemoaning the denial of a six-cent fare petition, coming around and saying "We need some temporary relief to get us past the exorbitant coal price era, but we want to hold fast to this five-cent fare."

These gentlemen are not in business for pleasure. They are intent on making money—a most commendable policy for public utilities notwithstanding occasional short-sighted comments to the contrary. Why do not these gentlemen who now say a temporary emergency faces them, petition for a six-cent fare? Because they have experienced a great awakening. It may all prove to be a mistake, but they now are of the opinion that a higher basic fare than five cents, at least in Indianapolis, would result in cutting down the most profitable part of any street railway company's business—that is, the short-haul patronage for which there is always the potential competition of that patronage's own legs, as well as the appeal of jitneys.

Facing the fact that within two weeks, I shall sit as one of the judges in this matter, I may not, with propriety, go into some details that you might desire. However, I am entirely free to summarize the historic background of low fares in Indianapolis. From my angle of view it covers the substantial and fundamental phases of the subject. It is not necessary to go further back than the year 1918 when, on a decision of the supreme court of Indiana, the Public Service Commission assumed jurisdiction and eliminated fares of less than five cents. In December, 1918, the company came to the Commission for a six-cent fare. The Commission rejected the plea chiefly on four revelations that resulted from public hearings.

WHY A PETITION FOR INCREASED FARE WAS REFUSED

The first revelation was that the company was not collecting its earned revenues. The Commission reached this decision as a result of putting trained checkers on the cars. Their presence was not suspected. Officers of the company had testified that losses of earned revenues did not exceed 2 per cent, and were more nearly 1 per cent. The Commission's inspectors showed a loss of 13.6 per cent on cars checked during a six day period. The Commission held that "It is futile to provide increased revenues for petitioner if it does not collect revenues already provided." The introduction of pay-as-you-enter cars was the result of this investigation and decision.

The second revelation was that the value of petitioner's property did not warrant its financial obligations. The company presented an inventory and valuation totaling $28,634,210.83. If the Commission had ever let that valuation get by, Indianapolis would have been paying a seven-or eight-cent fare. I am very certain that officers of the company now will agree that the financial outlook under such conditions would not be as favorable as it is now. The hearing revealed values only a little in excess of half the twenty-eight million six hundred thousand dollars. No one, except local taxing officials, who have assessed the company at almost twenty million dollars, is now claiming a value in excess of $16,000,000 or $16,500,000. When a service-at-cost proposal was laid before the Commission this year the city and company practically agreed to a valuation of $15,000,000.

From the date of its decision, the Commission has had the co-operation of officers and various groups of stock and bond holders in working out a voluntary reduction of obligations to a proper basis. A superimposed holding and operating company, the Indianapolis Traction and Terminal Company, was eliminated. Four million dollars of common stock for which there was no substantial background was wiped out, and two million one hundred and eighty of interest bearing bonds, held in sinking funds, were cancelled, thus reducing securities approximately $6,180,000. Also $1,000,000 of stock was made junior to such an extent that it cannot be considered a liability. Securities were thus reduced approximately 30 per cent. Indianapolis Street Railway stockholders who had been slumbering in comfortable berths with the assurance of guaranteed stock dividends, were called forth to operate their property and to assume the hazards of preferred stockholders.

The third revelation was of a device that was not uncommon in the profitable days of unregulated street railroading. This device was a sinking fund for the retirement of bonds. The street car riders were not only to guarantee dividends to a non-operating company, but were also to wipe out the bonded indebtedness. One hundred twenty thousand dollars annually was going into this sinking fund. Also, the bonds which, it would seem, should have been annually retired were continuing to draw interest. Payments to the sinking fund, and payment of interest on bonds held in the sinking fund, were amounting annually to almost $200,000 of money that was badly needed for property and service.

When the Commission pointed out that this plan, simply analyzed, meant that the public was placed in the position of giving to the company not only sufficient fares to maintain and operate service, but also ultimately to give the company its property, and that such a plan was not at all consistent with regulation which, for emergency relief, the company was seeking to come under, there again was fine co-operation on the part of the bond and stockholders and officers. At least temporarily the sinking fund provisions are waived. Most advantageously to all concerned, the waiver provides that this money go into betterments. This means better security for bond and stockholders; better service for the rider.

The fourth controlling revelation was that the community was drained dry of its young men, who were among the 4,000,000 away to war; that the absence of this vital part of the population, together with the absence of many young women and the depressions of war, had very nearly stopped social activities; that influenza epidemics, sweeping the nation, had all but suspended local shopping, theatre and moving picture traffic; and that locally industrial activity was not normal.

The Commission, in its denial, took all these conditions into consideration. It accurately forecasted reassumption of normal life and greater traffic. The change came with a rush. In 1918 the Indianapolis street cars transported 70,003,795 revenue passengers; in 1919 the traffic jumped to 84,051,850 passengers; in 1920 it will probably pass the 94,000,000 mark.

Briefly then, in answering to my subject "The Five-Cent Fare in Indianapolis," I would summarize by saying that its foundation lies in:

(1) Elimination of unwarranted financial obligations;

(2) Elimination of a holding company—and, incidentally, the elimination of absentee landlordism;

(3) Awakening to the fact that the short haul passenger is the profitable passenger;

(4) Collection of earned revenues;

(5) Taking into calculation subnormal traffic conditions in the war period and correct forecasting of increased volume of traffic after 1918.

(6) A healthy spirit of co-operation;

(7) An intelligent handling of the whole situation by the city;

(8) Better public relations.

ADVANTAGES POSSESSED BY INDIANAPOLIS

It is true that there are other conditions which contribute fundamentally to make it possible for Indianapolis to be, when the readjustment is past—"The Five-Cent Street Carfare City." These advantages are geographical and social.

The street car company mines a large amount of its own coal in fields located near to Indianapolis and this means cheaper fuel costs than those faced by most companies. Wages and cost of living all through the war period have been at somewhat lower levels in Indianapolis than those prevailing in the zone of greatest war activities and excesses which reached back from the Atlantic seaboard through Buffalo, Pittsburgh, Youngstown, Cleveland, Detroit, to Chicago. This applied to street railroading. Now, that the national period of readjustment has come, it is naturally to be presumed that this area will be least and last, affected.

When the company came to the Commission its plea was that it was at bankruptcy's door. Its tracks and pavements were in bad condition; the condition of its rolling stock was aggravatingly proclaimed by flat wheels; its finances were such, it was represented, as not even to permit the installation of rather inexpensive fare collecting boxes, or pay-as-you-enter equipment; its operating forces were not good; four much needed extensions were not forthcoming.

There are, of course, critics and the impatient. Everything that is desired has not been accomplished. Cars are crowded during rush hours. But those who will stop to survey the situation, must agree that, under the reorganization, with a five-cent fare and universal transfer, and in face of the most adverse conditions the country has ever known, there has been in the short period of two years a decided change. All cars have been made pay-as-you-enter; new cars have been purchased and open cars have been converted into closed cars, and some of these are of exceptionally good type; the operating force is of higher standard; flat wheels have disappeared and general maintenance has greatly improved; three of the four extensions, the College avenue, the Shelby street, and the Premier motor car plant extensions, have been made, and the fourth, the Illinois street extension, is scheduled for next spring, unless the world upsets again. During this period the city has done a great work in street reconstruction and the street car company is struggling along with that.

No one would presume to say all things are 100 per cent good, or even 90 per cent good. I am, however, asking you who live in six, eight and ten cent street car cities and who have well in mind what your own cars and service and extension inadequacies are, do you really think there is very substantial ground for complaint from the five-cent car riders of Indianapolis or the city itself?

I desire specifically to disavow any intention of saying that continuation of the five-cent fare would have been possible for all companies and cities. I am fully aware that it could not, for it has been our duty, as a public service commission, to put higher than a five-cent base fare into six Indiana cities. I do believe, however, that many cities did not try out the possibilities of the five-cent fare.

Looking at the street car situation nationally, it appears that the peak has been reached in operating costs, and that the break is near at hand. Still the skies are not clear. Industrial letting down will likely increase any baneful effect of high fares which may fundamentally, but not now obviously, exist. High fares are not going to get some street car companies past the sheriff for the reason that there have not been fundamental readjustments of financial obligations and elimination of needless superimposed operating companies.

The aftermath of the war also is generally marked by heavy increases in local taxation. Papers last week announced the inauguration of the six-cent fare in Cleveland and gave as one of the reasons for the increase, at a time when prices are falling, a $150,000 increase in local taxation falling on the company. In Indianapolis at just the time when we began to look on favorable operating sheets the same burden fell.

The whole subject of taxation—direct and indirect—of the conveyance of the masses of urban population loudly cries for careful study. Direct taxation, franchise tax and paving streets will, during the coming year call for almost eighteen per cent of the fare paid by Indianapolis street car riders.

I would make a general observation that is applicable to the Indianapolis situation: When the water has been squeezed out, and securities represent, and are warranted by values of property put to public service, those financial obligations must be protected. Occasionally the shortsighted demand that these legitimate demands be passed or deferred.

Laying aside all moral considerations what—especially to-day when all the world wildly is bidding for money for rehabilitation—can be so detrimental to a community as such a course?

Indianapolis is typical of all cities. It is growing with marvelous rapidity, ten per cent every three years. Street car lines must be extended so it can expand. More and better cars must be provided to carry more citizens. More power house capacity must be had to move these cars. The chairman of the board of works of this city says that $1,500,000 to $2,000,000 must be spent by the local company next year to keep transportation apace with city growth. In this and all other cities, such heavy expenditures must constantly continue year after year. The great need of the street railway industry is credit.

Where is this money to come from? From security holders who are unfairly dealt with? From bankers and other custodians and trustees of money who see legitimate obligations ignored? Or are the cities in a position to furnish the capital needed to keep local transportation abreast with their growth?

SERVICE AT COST

In April this year, the city of Indianapolis laid before the Commission a service-at-cost plan. It was designed to strengthen the credit of the local company. Officers of the company were most favorable to the plan. Most of the members of the Commission thought that at last the formula for the solution of the local street railway problem had been offered. I was enthusiastic. Mr. Samuel Ashby, corporation counsel for the city, had made a study of the Cleveland, Montreal, Boston and other service-at-cost plans that—especially the Cincinnati plan—had been nationally proclaimed as being the latest and best thought. He had particularly studied the great problem of inspring incentive and initiative in the operating company. His plan incorporated—and I believe improved upon—the Cincinnati idea of giving the company higher return for lower fares. Efficiency was to be rewarded by maximum returns; inefficient operation was to be penalized. The plan suggested just what rate of return should apply to each step of fare. Mr. H. H. Hornbrook, attorney for the street car company, thought, with possible minor changes, the plan was good.

It was agreed that it would be well personally to make the rounds of some of the nearby service-at-cost cities for the purposes of picking up suggestions and perfecting the plan so that when it was put into effect "The Indianapolis Service-at-Cost Plan" would supplant the Cleveland and Cincinnati plans as a national model. With high spirits we began our journey—Ashby, Hornbrook, and myself—all service-at-cost advocates. We did not limit ourselves to interviews with the companies, or the cities. We checked statements of one against the other, and then made independent investigations. It was not long until we began to be less assured that we had found a panacea. We came home to think it over. It was mutually agreed to wait until business trips carried us, individually, within striking distance of more distant points for further investigation. In the meantime the Commission was being subjected to criticism, together with some hammering, for delaying the adoption of service-at-cost. The term had, as usual, made its popular appeal.

After the three friendly investigators had come to a unanimous decision there still remained different points of view among the public service commissioners which, with sickness, resulted in further delay. The first of this month Mr. Ashby, author of the original proposal, filed with the Commission a motion to withdraw it. The company did not object. Recently the Commission, without a dissenting vote, acted in the affirmative on the motion. In his motion for withdrawal Mr. Ashby says:

> We have been unable to find or agree upon any plan of operation on the basis of service-at-cost which would furnish the incentive of private ownership in an operation of service-at-cost. The result of our investigations generally has been to raise a most serious question and doubt as to the wisdom of the service-at-cost plan. The inevitable tendency seems to be for the operator or company readily to accept increased cost of operation with the view that it can be passed on to the public by higher fares. Such a course results in only adding to the burden of the public.
>
> Experience has demonstrated that any increase in fare above the normal fare, results in a very substantial reduction in the number of passengers carried, and has a tendency at the same time to increase the cost of operation, so that the financial results of the company under such a plan is unsatisfactory and in some cases disastrous.
>
> The experience of Cincinnati is a good illustration of the operation of the plan. The fare was increased from five cents to six cents and from six cents to seven cents, and from seven cents to eight cents, and during the comparatively short time in which the plan has been in operation the company has accumulated a

> very large operating deficit of over $2,000,000. During practically the same time the Indianapolis Street Railway Company has been operating under the emergency order of the Commission at five cents. It has been able, as heretofore stated, to operate without a loss, its revenues have been more than its operating expenses and sufficient to pay a reasonable return on the fair value of its investment.

I have little to add to his brief summary. The Commission does not pronounce the verdict of nostrum on service-at-cost, nor dogmatically cast it out of all future consideration.

DANGERS AHEAD

It must, however, be confessed that it is suspicious of it. We, at least, will wait to see whether it proves to be panacea or nostrum. Personally, I am apprehensive. I have heard popular acclaim of other epigrammatic panaceas. "Let the people rule" gave us the direct primary which seems not to have met all the expectations of its friends, or the expectations of all of its friends; "cost-plus" has been repudiated; "he kept us out of war," only won an election.

The remarkable thing to me is that service-at-cost did not appeal to every one. I recall numerous adverse comments. One is sufficient. When the hammering of the Commission to "save the company" by adopting the service-at-cost proposal was at its height, an elevator operator said to me "What is the Commission going to do, Mr. Lewis?" I replied that I did not know. His answer surprised me: "Service-at-cost is the limit—put that in and the company can do anything and charge it up to the riders." My elevator operator hit on the head one of the chief defects, and one which it seems to me is fundamental.

For example: Coal is hard to get and the price is very high. A service-at-cost street car operator who already, as in most places, finds it impossible to earn the maximum return and is assured of the minimum which will cover fixed charges, is called on by a representative of a coal company. He has plenty of coal for sale—good coal at that. Why should this street car executive worry about its price? Why should he join in the night and day scramble of other public utility operators who do not have his sinecure, and who are struggling to get coal for a low price in order to pull them through and give their people some return on their investment? It is true that they may be able to buy coal at $4.00 a ton, but here is coal offered to him in his nice warm office at $6.00. It goes into operating costs. All right—service-at-cost covers all operating costs. I fear that service-at-cost simply means that the lid is taken off.

It is possible that some time in the future some workable plan incorporating incentive for efficiency and initiative will be worked out. While the Commission does not pass finally on service-at-cost, nevertheless it seems to most of us to run contrary to human nature, which, at least in business, requires opportunities of a struggle for gain. Psychologically, the blocking out of rates which shall apply if operating expenses increase, threatens to become an open invitation for laxity.

There is still another possible defect. Service-at-cost is closely connected with city halls. Quite often city halls are closely connected with political organizations. Again, quite often political organizations are connected with various interests. When one ventures into the field of speculation of what may happen to service-at-cost after the novelty wears off, and after changes in management supplant men who may have pride in keeping their plants up and their operating costs down, one finds that the possibilities rival those which have brought cost-plus into disrepute.

It is possible, for example, that a coal operator, standing in with a highly politicalized city hall crowd, could obtain a contract for supplying coal to the service-at-cost utility at a price considerably in excess of a fair price. It is possible that real estate developers, operating through such a city hall, could cause the construction of losing lines to their projects. A tie between a political machine and the street railway would open the door to every sort of a demogogue and agitator. These are only a few of the possible diseases that may attack service-at-cost in its maturity. I do not believe that, up to this time, they have developed to any great extent. I sincerely hope they will not develop.

During the last campaign we have seen, notably in New York and Chicago, the street carfare made the football of politics. My inclinations—I am not saying that they may not be wrong, but nevertheless they are my inclinations reached after a study of public utilities on four continents during a period of twenty years—are that it is very desirable that public utilities be removed just as far as possible from the very conditions which I fear service-at-cost invites.

I strongly believe in the policy of delegating regulation to men who will give their time and best thought to the subject and who are selected because of fitness for their work, and to the removal of such supervision and regulation from too close contact with local influences and prejudices, which we know by experience are sometimes narrow, blind and dogmatic. Such regulation permits of the accomplishment of those things enumerated herein, which have resulted in both the five-cent fare and solvency of the street car company in Indianapolis, and in Indiana, while all around are higher fares and wreckage.

As a final thought, the theory of regulation of public utilities is service-at-cost. Regulatory bodies determine rates by making them only sufficient to cover:

1. Operating costs.
2. The replacement of the wear and tear of the plant—depreciation.
3. Taxes—but not individual income taxes.
4. A fair and reasonable return upon the fair value of property used and useful in performing the public service.

When you have based your rate on those foundations you have a service-at-cost.

In behalf of such control, I would point to the fact that not one of the 118 electric railway receiverships in the country is in Indiana; that only six of the 600 cities having more than a five-cent fare are in this state, and that the electric railways in this state emerge from the trying ordeals of the war period and the more trying ordeals of the post-war period, solvent and full of hope.

CLEVELAND—SERVICE-AT-COST AND EFFICIENT MANAGEMENT

BY FIELDER SANDERS

City Street Railroad Commissioner, Cleveland

On Sunday, November 14, 1920, the rate of fare in Cleveland was automatically raised, under the Tayler "Service-at-Cost" grant, to a six-cent cash fare, nine tickets for fifty cents, one cent for transfer and no rebate. No objection was made by the city, because the stabilizing fund being below $300,000, under the franchise the company had the absolute right to raise its charges. The fare on March 1, 1910, at the inception of the Tayler grant was three cents cash, five tickets for fifteen cents, one cent for transfer and no rebate. It is, therefore, the fact that after more than ten years of operation under the Tayler grant, the fare paid by the car riders has almost doubled, the exact figure being the difference between 3.33 cents, the average fare paid in 1910 in Cleveland, and 5.90 cents, the average fare which will be paid under the present rate, an increase of 77 per cent.

This makes an examination of the franchise and a survey of the operation of the railway company, thereunder, peculiarly fitting at this time in determining whether service-at-cost has been a success or a failure, or to what extent it has been either. In my judgment it has certainly not proved a "*Nostrum*," "a quack medicine," but possibly has not quite approached a "*Panacea*" or "an absolute cure for all ills."

The street-railway situation in Cleveland for many years prior to 1910 was that of operation by private companies with the usual competition, and five-cent fare, with a slightly reduced ticket rate. These companies consolidated, the fare remaining at five cents on all lines, but with added transfer privileges for which no charge was made. This was followed by a bitter fight on the part of the city authorities for a lower fare, which after much warfare culminated in the present settlement. At the time of the adoption of the franchise, as for many years before, the car-riders were paying five cent fare, eleven tickets for fifty cents with universal free transfers. It was claimed that, under proper management, with the proper franchise, the car riders could be carried for three cents. As a result of all the dickering back and forth it was determined that the car riders should not be carried at five cents nor at three cents, but at actual cost, whatever that might prove to be. The conclusion, therefore, of success or failure of the plan, must be predicated upon the purposes which the plan was intended to carry out, and be a finding as to whether those purposes have been carried out.

The franchise boldly states in its preamble an ambitious programme, to wit:

> It is the common desire of the city and the company to have all the grants of street-railway rights then outstanding surrendered and renewed upon terms thereinafter recited, to the end that the rate of fare may be reduced, the transfer privileges made definite, and the right of the city as to regulation and possible acquisition made definite and certain, and that a complete readjustment of the street-railway situation should

> be made, upon terms that would secure to the owners of the property invested in the street-railway security as to their property, and a fair and fixed rate of return thereon, at the same time securing to the public the *largest powers* of regulation in the *interest* of *public service,* and the *best street-railroad transportation* at cost, consistent with the security of the property, and the certainty of a *fixed* return thereon, and no more.

It will not be claimed by anyone that any of these declared objects of the franchise is or was anything but desirable and laudable, except that possibly, in view of the developments of the last two or three years, some may claim that a fixed rate of return, and no more, is not now in the best interests of the company and the public. I will refer to this particular claim again. It will also be admitted that, if these objects of the grant have been substantially carried out, a great civic benefit has resulted.

The questions therefore before us are, Has the rate of fare been reduced, the transfer privilege made definite, the city's regulation effective? Have the owners had security for their property, and have they had a fair and fixed rate of return, have the car riders had the best street-railway transportation at cost? If so, *how* has it been done, and *what is there* about the franchise, or the management, or the surrounding circumstances that has made such a conclusion possible?

ARBITRATION BOARD ENDORSES TAYLER GRANT

The question of the failure or success of a contract is ordinarily determined usually by the facts themselves, but sometimes by the opinion of experts who have gone over the facts and have drawn conclusions therefrom in the light of testimony and their experience. I desire to present in evidence an opinion first, which combines the two methods. During the last half of the year 1919 and the first half of the year 1920, the city of Cleveland had a very lively controversy with the Cleveland Railway Company to determine the question whether the fixed return of 6 per cent provided in the original franchise should be changed to 7 per cent. This finally developed into a popular vote at a referendum, which resulted unfavorably to the company, as such matters usually do when placed before the public. But in the middle of the controversy a very extended hearing was had before a board of arbitrators.

This board of arbitrators went into the financial condition of the company and all matters surrounding it very thoroughly. The hearing consumed many weeks. Financial and street-railway experts from all over the country testified, both in behalf of the city and in behalf of the company. The city lost the arbitration so far as the 7 per cent question was concerned, but in the decision of the board, the franchise, the management of the company and the actions of the city in its regulating capacity received a very illuminating commendation. The board said:

> The franchise and the amendments thereto have been shown by ten years of trial to be *sound in principle, practical* in operation, and of great benefit to the Cleveland Railway Company and its stockholders and *to the public.* It has kept the Cleveland Railway Company from exposure to the dangers and misfortunes that have overtaken other railway properties in most other large cities. The protective features of the franchise, together with the high standard of railway management and intelligent municipal supervision which the Cleveland Railway has had, have resulted in giving to Cleveland the best street-railway service at the lowest cost of any city in the United States. The testimony has taken a wide range. . . . The city street railroad administration has always been efficient and keen to the public interest, and there is no reason to believe that it will be otherwise in the future. . . . The evidence shows that this

railway property has been maintained at a high standard, that it justly enjoys the reputation of being the best managed, best equipped and most successful street-car enterprise in the country. We have been shown that a higher percentage of expenditure for maintenance and upkeep has been in force here than in any other cities. Experts have analyzed the situation and presented the conclusions to us, that by reason of efficient and intelligent executive management, and by reason of the high rate of upkeep and maintenance, a large appreciation in the value of the property has resulted. . . . The most important result of this hearing is the full and complete illumination of the question of the safety of the Cleveland Railway stock as an investment. A right understanding of the franchise discloses that the stock of the Cleveland Railway Company is safeguarded and protected so as to become a quasi-municipal investment. . . . We have no difficulty in reaching the conclusion that this stock is protected and safe to the investor. . . .

This was the decision of an unbiased court on the facts before it.

THE TESTS OF FARES AND SERVICE

Let me now briefly examine the *facts* themselves, of ten years of operation, to see if they show that the franchise has carried out its objects, if this particular service at cost has made good. Considering increased fare first, the objection that the fare has almost doubled under service at cost might be dismissed with the statement that every other commodity has doubled in price in the last ten years, and that it is only in accordance with the general economic trend of the last ten years that the price of a ride in Cleveland is now almost twice what it was in 1910. The wages of the trainmen operating the cars, for instance, have increased 188 per cent since 1910.

But if that alone were said, we would be justified in concluding that the franchise has not been a moving factor in improving matters, but has simply ridden with the general trend of events. The fare at its inception was about two cents lower than the fare in other cities through the country, with one or two possible exceptions; it has stood through the years at the same ratio to rates general elsewhere, and, notwithstanding this last raise, it is still lower than most, and possibly still at the same ratio to the fares in other cities. One tremendous result of this low fare in Cleveland not to be forgotten is the fact that its car riders in eight years between 1910 and 1918 have saved more than thirty million dollars, over and above what they would have paid if the fare had continued to be five cents under the pre-existing private management as in other cities; or, in other words, they have saved for their own use an amount which, if it had been put in a sinking fund, would have purchased all of the railway company's property in September, 1918. From the public's standpoint, this one fact alone has justified the Tayler franchise.

But that fact is only the more obvious of results obtained for the car riders. Examining further, notwithstanding the low price of our service, statistics show that from 1910 to 1920, while the population in the city and suburbs increased 40 per cent and the number of fares paid increased 75 per cent, the service given in Cleveland has doubled. The Broadway, Euclid, Payne and St. Clair lines east of the river, and the Lorain and Detroit lines west of the river, the six heaviest trunk lines of the system, show in their headways that during 1910, in the morning rush period, 7,790 seats per hour were furnished; 3,192 seats per hour on the base tables and 9,690 seats per hour in the evening rush period. The present headways on the same six lines furnish 15,700 seats per hour in the morning rush, 5,590 seats hourly on the base tables and 19,300 seats per hour in the evening rush, an increase of 102 per cent in the morning rush, 75 per cent on the base tables and 99 per cent in the evening rush. I am giving seats rather than headway because of the difference in the equipment.

The number of passenger cars has increased from 955 in 1910 to 1,515 in 1920. Great changes in the character and size of the cars have been made. The average seating capacity of the old cars was about 38; the newest cars seat 58 and 60. The total seating capacity of the 1910 equipment was 36,100, of the 1920 equipment 74,800. The total standing capacity was 44,000 in 1910; in 1920 it is 80,460. So that while the number of cars has not doubled, the seating capacity has *more than doubled*, and the combined seating and standing capacity is *almost double*. In these ten years 375 of the 955 cars owned in 1910, nearly 40 per cent of the total, have been retired, so that there are now on the system, of 1,515 cars, only 580 that are more than ten years old.

In the same period of time, the company has developed a large number of additional lines within the city (a smaller number outside). In 1910 the railway operated 246 miles of track, exclusive of special work, track in car yards, etc. Today it operates 303 miles, an increase of 23 per cent. Most of this increase is in new trunk lines and new cross-town lines within the original limits of the city of Cleveland, although some of it represents pushing out into the country. In addition almost the entire layout of car houses, shops and power stations has been completely renewed. Many new most modern car stations have been built. The various power-generating stations have been abandoned, except one, which is on the programme for dismantling in the near future. Power is being purchased, and many new substations have been built or are under way for distributing purposes. The finest street-railway shops in the world have been built, at a cost of $1,300,000. The company has developed in the last three years an extensive plant for handling materials in its maintenance-of-way yards, and has added all kinds of improved conveyors, trucks and labor-saving machinery for doing its work. The 935 cars added to the system since 1910 have been in each instance of the latest and most efficient type, some of them built in the shops of the company by direct labor, others purchased. Of the original 246 miles of track existing in 1910, 162 miles have been renewed, about 66 per cent of the original trackage, and the average age of all the present tracks on the system is very close to nine years. The number of cars owned per mile of track has increased from 3.9 in 1910 to 5.05 in 1920. The fare remained at 3.33 cents until December 15, 1917, and since that time has been at varying rates, most of the time 5.33 cents.

It is apparent from the foregoing brief summary, without going into detail, that the fare has been low, the service has been high, and that the property has been well kept up and highly improved, under service at cost a real railway has been developed, to an extent so noticeable as to merit and receive the commendation of every street-railway man who surveys it, and so different from practice general elsewhere that many public addresses on this subject have summarized it by saying, "The railway has grown from a scrap heap in 1910 to the finest property in the United States in 1920."

ARE ALL PARTIES SATISFIED?

Another and third way of testing whether a contract has carried out its purpose, in addition to the opinion of experts and the actual facts hereinbefore detailed, is to analyze the effect which the contract has had upon the parties interested, with particular reference to their conduct under and general satisfaction with the contract. Satisfaction with an arrangement by all parties to it does not always prove that the arrangement is a good one calculated for their mutual advantage, but satisfaction with an arrangement after a thorough trial over a period of years, after an exposition and public demonstration of claimed defects, is proof of the inherent soundness of the contract.

The Tayler franchise has been criticized at various times because of the so-called lack of incentive in it, and possibly on lack of other matters, although no critic has ever been able to frame a franchise which in practice has worked better. I have at times made the same criticism myself. But notwithstanding the criticism, the people of Cleveland are satisfied. We know that to be so, because it happened that the first period of the grant expired on May 1, 1919, and it was necessary before that time for the city government either to renew the franchise for a further period of twenty-five years, thereby extending the expiration date ten years, or to permit the property to continue in the hands of the company without city control of the service, or to exercise its option to buy it and put in force municipal ownership. A series of meetings was held in the city council chamber over a period of six or seven weeks by the committee of council having the decision to make. The matter was widely advertised in the newspapers, and especially the fact that the grant was about to run out. Nevertheless, all the amendments that were offered to the grant as being desirable were suggested by the city street railroad commissioner. There *was no public sentiment manifested for municipal ownership*, or for any particular change in the grant, except on the part of a few councilmen and a few public officials who had been in very close relationship with the railway company and its day to day operation. No amendment was offered by any civic society of Cleveland, of which there are many and active, nor any newspaper, nor by the chamber of commerce, or any of the various clubs interested in public matters. The railway company refused to accept the amendments, said that it was satisfied with the franchise as it stood. It became immediately evident that the public also was satisfied with the franchise and the service under it. The result was that the council renewed the agreement in identical terms for a further period, and we are now operating thereunder.

THE SIX PER CENT FIXED RETURN

There is one serious problem now pending, arising in connection with the fixed return of 6 per cent for the stockholders,—a problem which is entirely likely to face the operators of the various new service-at-cost franchises, now being adopted. It is the difficulty of finding new money with which to finance extensions, betterments and permanent improvements. Extensions in Cleveland have always been financed by the sale of new stock. For more than a year it has been impossible to sell Cleveland Railway 6 per cent stock at par in Cleveland, and the franchise forbids its being sold at less than par. The fate of all public utility stocks has been largely reflected in the market on Cleveland Railway stock, through no fault of its own. The management of the railway made an effort to raise the dividend rate on all their stock to 7 per cent, and failed at a popular vote. Although extensions are needed in Cleveland, the people evidently thought the 7 per cent remedy too drastic and far-reaching. So for the present we are standing still—just finishing the programme laid out a year and a half ago. Many solutions for the future needs of the company and city have been suggested and debated, and I have no doubt the problem will be worked out satisfactorily in a mutual spirit of co-operation, as have so many of our previous difficulties.

THE SUCCESS EXPLAINED

The question now arises, What is the reason for the obvious success of this plan? There are many reasons. The low capitalization at which the railway was taken over has had some effect, of course, but that effect has been very largely overrated. The added expense of a few millions to its aggregate capital value, with a return of 6 per cent thereon, distributed among the number of fares paid would have made an increase in the rate of fare so small as to be hardly noticeable. It would be expressed in tenths of a cent, less than a mill a ride. At the beginning of the grant, an addition of ten million dollars to the capital value would have made a difference of only three tenths cent in each fare paid, and this, of course, would have decreased each year since. The low capitalization was *far more effective in developing public confidence* in the honesty of the management and in the honesty of the arrangement than in any financial way. The whole secret of the success of the scheme has been the admirable combination of efficient and jealous management of the part of the company and its officials, of close municipal supervision, of harmony between the company and the public, of the confidence which the public has in the arrangement, and the ultimate fact resulting from all of these, that the company is financially strong, and able, up to a short time ago, to market any amount of its securities with which to carry out the object of the street railway. All of these have been deciding factors in the success of the plan.

THE CITY'S PART

The city, through the council and the commissioner's office, also guards its rights carefully. It maintains a complete department for the supervision of the company's expenses of all kinds. It prescribes the quality and quantity of service. In the commissioner's office a traffic department maintains, through a large force of inspectors, a continuous check of the traffic loads on the various lines of the city, and from time to time makes changes in the headways, in the running time, and in the cars on the various lines to more closely balance the service rendered with the service required. It makes all the studies and investigations for determining any changes necessary. The results are tabulated, and graphs are drawn showing the necessity or non-necessity for any changes. Changes are being made almost daily by orders to the company to put in force new headways and new schedules. In so doing the commissioner is able to tell from day to day whether the schedules which he prescribes are being run, and to see that the company does no more nor less than run the service prescribed. The traffic department also makes the seasonal changes due to the closing of parks and the opening and closing of factories, makes the changes in places of stopping necessitated by new conditions, makes changes in routes necessary to relieve congestion and to speed up service, and also advises with the operating department daily in the collection of fares, loading and unloading of passengers, the stationing of men to sell transfers outside the cars, the prepayment areas, and all the details which make for excellency of service. The street railroad commissioner's office, also, through its engineering department, keeps close supervision over the cost of improvements, renewals and ordinary repairs, and approves them in advance of expenditures. Not a bottle of ink is bought without the city passing on it and approving it first. In those matters we not only authorize and supervise the railway company from day to day, but we also advise with its officers and suggest changes and improvements. We maintain a day to day continuous audit.

THE RAILWAY'S PART

The railway officials have also had at heart not only the preservation and development of the property, but pride in themselves as successful managers. They have co-operated in every way in increasing the efficiency of the service. They have largely initiated a great many of the reforms which have made Cleveland street-car service a model of the country. They have adopted and carried out many of the suggestions made by the city. The result has been the employment of almost every new idea in street-railway operation, usually some years in advance of the rest of the country, such as the skip-stop, the speeding up of schedules, short-routing, cross-town lines, prepayment areas, pay-enter and pay-as-you-leave fare collection, the most modern—the-pay-as-you-pass—street car; the purchasing and distribution of power instead of costly generating plants; modern car shops, car stations and automatic power sub-stations; scientific and exactly sufficient schedules of service, the last word in maintenance-of-way equipment, materials and yards, labor-saving machinery of every kind, the scientific training of employes in a separate school and department equipped with machinery and instructors for that purpose, careful and strict discipline of the employes; in short, most of the advancements and improvements in street-railway management of the last ten years have originated or been tried in Cleveland. The peculiarly close combination of company management and city supervision has enabled Cleveland to devise and put in force every possible economy which tends to efficiency.

DOES THE PLAN LACK INCENTIVE?

I think that most of the criticism of the service-at-cost plan as developed in Cleveland in the last ten years, as to the lack of incentive, is really directed at the conditions of the franchise and not at the working out of the same as shown in actual operation. Cleveland is not under absentee ownership. Clevelanders own the company. The management in Cleveland are all heavy stockholders in the company and are directly interested; therefore it is not really management of paid service alone, but it is a management largely by stockholders themselves. Some of its success is due to that. In this management they have also the benefit of *daily* counsel and criticism, not *monthly* or *annually* such as is granted by public state commissions. Nor has the criticism been selfish, partisan or political criticism, such as has so often developed at the hands of political bodies and newspapers in other cities.

TOM JOHNSON OPPOSED THE SLIDING SCALE

In the meetings in March, 1909, between Tom L. Johnson, mayor of Cleveland, and Horace E. Andrews, president of the Cleveland Railway

Company, and various councilmen, one of the councilmen suggested a sliding scale of interest, namely, that the lower the rate of fare the more interest could be paid on the investment. He said he thought there would be an *incentive then for the stockholders to make the fare as low as possible*, a saying which sounds very familiar now after eleven years. Mayor Johnson then replied, "And also quite an incentive to skimp the service; wouldn't it?" Mr. Andrews suggested the well-known gas company arrangement in England, and thought that it would be a fairly good arrangement, but Judge Tayler was firmly of the opinion that the company should have only a fair return on the money for the privileges granted by the city, and that it should not be subject to the hazards of operation. He was of the opinion that the railway company was entitled to earn only a fair return for the use of the streets, and that if by ingenuity and economical devices adopted by the operators a reduction in fare was accomplished, and if thereby they obtained more than a fair return on the money, or, as he expressed it, an abnormal rate on their investment, there was something wrong somewhere.

It seemed to the judge that it was fundamentally wrong to pay a man a bonus for doing that for which his salary is supposed to compensate him; that a bonus could not be a legitimate part of the cost, and that, therefore, this sort of an arrangement was service at *more* than cost; that the people are entitled, for the salary that they pay to the officers of the railway, to intelligent and efficient management, and that they ought not to be taxed any more. My own notion is that the idea is not only fundamentally wrong, but that practically it would not work because it creates an incentive on the part of the railway company to keep down their expenses by skimping the service. Under the present service-at-cost plan the company has no desire and no incentive to skimp the service. They do not interfere in the slightest way with the full latitude of the city in exerting its power, and there is no desire on their part to do so, because it makes no difference to them, within the limits of their power to earn 6 per cent, how much or how little service is run. But I believe any temptation of an added dividend before their eyes, resulting from a reduction of cost which would make it advisable for the company to reduce its operating expense, would create a tendency on its part to encroach on the city's prerogative as to service, by hampering and reducing the service in the many small ways by which they could do so without being caught by even an elaborate system of watching, and to render a cheaper and more unsatisfactory service even while ostensibly complying with the city's order. Such an objective is bad.

From the stockholder's standpoint it is an incentive for the management not to keep the property up, because the lower the maintenance charges, of course, the lower the rate of fare and the higher the return to the stockholders. It is also an incentive to keep down the maintenance by increasing the capitalization by charging repairs and replacements to capital, which could easily be done, thereby tending to make the enterprise top-heavy and reduce the physical value of the security which the stockholders have. This same thing would strike largely at the service given the car riders, because the first requisite of good service is a high class railroad, sufficiently maintained. Further than that, it increases the price which the city would have to pay on purchase and reduces the consideration for the price.

A sliding scale of return based on a

sliding scale of fares, in my judgment is also theoretically wrong, because the stockholders of the company are compensated by dividends, the management of the company is compensated by salary; in other words, the price of money is one thing and the price of service is another. They have no *immediate necessary* connection. But if you are going to vary the price of money which the stockholders put into the company in the ratio of the rate of fare, or, in other words, the cost of service, the law of economics would, it seems to me, command the reverse of the suggested arrangement. I have heard it argued by financial experts (especially in the last arbitration) that there is no connection between a fair return on money, in other words, the price of the same, and the price of other commodities. Others have argued that they rise and fall together. If there is any truth in the last argument that the price of money goes down and up as the price of commodities goes down and goes up, then as the cost of labor and materials used in the street railways, which largely determines the rate of fare, goes down, the return on the money invested should not go up. But, under the present incentive franchises, the return to the stockholders does go up as the fare goes down, instead of going down as it should if the above rule is correct.

It is also likely to be a bad arrangement from a practical standpoint for the public. According to the judgment of almost everyone we have reached the peak of high prices. There is bound to be a decrease in the next five or ten years. They may not drop to the point at which they were in 1914. They may stay at a slightly higher level. After the Civil war it took from ten to fifteen years to bring the prices of everything down to where they were before the war. The same condition obtained after the Napoleonic wars in Europe. If history repeats itself, by 1930 we shall be back where we were in 1914. But even if that is not so, it is admitted that prices must decrease even if they do not come to the low level of 1914. If they do decrease, street-railway fares must and should go down. But under the sliding scale, what is the result from the public's standpoint? As the costs go down, the expense of operating is going up by the extra amount which the stockholders secure, which tends again to keep the fares up.

The fare in the last five years went up largely without the fault of the railway companies of the country, due to economic conditions, and I am satisfied that, without their action, without any credit to them, they will, by reason of the same law, go down in the next five to ten years. But even if you grant that all these conclusions are wrong, I think that any scheme of incentive so far suggested is open to the criticism of lack of effectiveness, because of the remoteness from and lack of direct application to the actual executives. I cannot help thinking from my experience of service at cost, from my knowledge of what has happened in the last five years, that after all the real incentive to efficient management is to give the man at the wheel, the man who actually operates, sufficient compensation to keep his best interest in his work, and then to have an efficient city administration to act as the watchdog, to criticize, advise and sit on his neck day by day, as is done in Cleveland, to see that he earns his salary.

To recur to the question originally asked *Panacea* or *Nostrum?* We offer the Cleveland franchise, as a practical success, a sufficient remedy under its circumstances. Experience in Cleveland shows, in my judgment, that service at cost is not perfection, neither is it a nostrum or quack medicine, that whether it is a panacea or not, or how closely it approaches being a panacea, depends partly upon the franchise, but much more upon the development of it, upon the people who are charged with executing it, in whose hands it rests, and upon the public, who, if they have confidence in the arrangement, will make it a success or a failure. Many criticisms of the Cleveland plan can be made, perhaps justly, but, as for Cleveland, Cleveland is satisfied.

SERVICE AT COST VERSUS MUNICIPAL OWNERSHIP

SEATTLE'S EXPERIENCE

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The latest link in the constantly tightening chair of public regulation of utilities is found in the service-at-cost franchise. Beginning with the passage of the interstate commerce law by congress in 1887, public regulation has steadily, if slowly, increased the power of government over public utility corporations, gradually lifting them out of the class of private business which may be operated to suit the purpose of its owners, and enforcing in increasing measure a consideration of the needs and the purses of their patrons, the public. As in the case of the steam-railroads, this progressive regulative effort in the public utility business has grown up in response to the demand for the abolition and curtailment of certain specific practices of the owners and managers of utility properties, which an awakening sentiment had condemned as contrary to the interests of the public.

PRIVATE MISMANAGEMENT

Only in recent years has it been recognized that a public utility is a natural monopoly. In fact when utilities were unregulated, the only hope of the consumer for reasonable rates and tolerable service was in competition. The great municipal utilities which operate in the streets of American cities to-day are almost without exception, consolidations of companies which were originally started or soon developed as competitors. The growth of urban population was extremely rapid, but the demand for utility service was in greater ratio. In the decade 1900 to 1910 population in the continental United States increased 21 per cent, while the number of passengers carried one mile by the steam railroads more than doubled, and a like condition prevailed in municipal utilities. The pioneers in the utility business soon found that competition was the only interference with their profits, and consolidation of the competing companies was the logical answer.

With their utilities consolidated the public soon felt the pressure of rate increases and service deterioration, complaints began to find their way into legislative bodies, and public regulation began to be attempted. Consolidation had not increased physical assets but had greatly increased capitalization, for not only had enormous prices been paid for the control of competing companies, but large bonuses went to pay the promoters and financiers who had brought the consolidation about. Then if the new concern showed profits above a fair dividend, further issues of stock appeared, the total capitalization being based upon the earning power of the utility in its years of greatest prosperity. It was not considered good business to apply excess profits to debt retirement, nor to large dividends on stock already issued. Either of these practices, if they became known, would have been the basis for a public demand for reduced rates or better service. Depreciation reserves were neglected, or if they were set aside at all it was merely as a ledger account, and the actual money was used for dividends on the heavily watered stock. The rates were all the traffic would bear and the service was as little as could be given without too much public protest. Growing cities suffered for much needed extensions of utility service which were not made because they would not show an immediate profit. Street cars were designed to carry the greatest number of standing passengers, and the arrogance of the utility magnate was reflected in the conduct of his lowest employe. His responsibility was to his stockholders. His goal was more profits.

In order to ward off further competition and to defend themselves from attack, the utilities were forced to maintain lobbies in constant attendance upon legislative bodies, and to corrupt legislatures and city councils, and the story of these activities furnishes one of the saddest chapters in the history of municipal government in America. Extensive and expensive propaganda was used to influence public officials and leading citizens against public ownership and in favor of increases in rates, and the wells of public opinion were persistently and systematically poisoned.

Occasionally there has existed an honestly managed and efficiently operated public utility in private ownership, and to these I apologize for the company in which I have found them. Of all the different utilities, street railway interests have been the chief offenders. Ten years ago a proposal to guarantee them net earnings of 6 per cent on the actual value of their properties would have met with derision; now it is the straw which they hope will save them from drowning. Ten years ago one might search the files of their trade journals in vain for advocacy of public ownership; now you find it on every page. Ten years ago the proposal that a representative of the public should be admitted to the counsels of the management of the business would have been intolerable; to-day it has become an accepted part of the regulative scheme.

Regulation began with the imposition of a franchise tax, usually based on gross earnings. This was wrong in principle in that it took revenue from citizens in proportion to their use of the utility, for the benefit of citizens in proportion to their taxes; it was justified only because we had not learned any better. We knew that the profits of the utilities were too great, and were groping to find the proper way in which to curtail them. The sharp advance in the cost of labor and materials brought about by the war, the competition of the automobile and jitney, and past methods of frenzied finance by which the street railways were held at the verge of bankruptcy, have now forced them into a desperate situation. Increased fares are a palliative which is likely only to postpone the crisis.

THE EFFICACY OF SERVICE AT COST

Two alternatives will save them from destruction: municipal ownership or service at cost. Both are now being tried and we will be better able to judge their comparative merit ten years from now than we are to-day. But the situation presses.

The modern service-at-cost franchise puts an end to the evil practices of utility management which I have already outlined. It restrains financial sky rocketing, gives a reasonable control over management, provides for extensions and betterments, recognizes the street railway business as a natural monopoly, gives the public a little authority in the directorate, enforces adequate accounting, and retains to at least a small extent the alleged advantage of leaving the business in private management. But only to a small extent. The dominating motive of private ownership is a desire for profit, and business undertakings are attractive to business men largely in proportion to the chances of earnings beyond the legal rate of interest. If they can only earn 6 or 7 per cent they might as well invest in mortgage loans and go on a camping trip. Just now, however, the question with them is not future earnings, but the salvaging of the millions of capital which is threatened with obliteration.

The crucial point in a service-at-cost franchise is the valuation of the property of the utility, and this is true also of proposals for municipal ownership. Here is a decaying business, but one which it is essential to the public good to keep going, at least until its successor has been developed. Here is a property with securities outstanding far in excess of any reasonable estimate of its real value. It is in much the same condition as a manufacturing concern whose processes are obsolete and whose product is losing hold on public favor. What is it worth? It is not difficult for engineers to arrive at the value of property of a going concern, one with a future, but to fix a fair value of a street railway at the present time is a task which staggers the ablest expert in the business. A trolley pole may be worth what it costs as a trolley pole, but what if it is only an encumbrance to the street? Are we taking an unjust advantage in offering its owner its junk value? The American public wants to be fair to the public utility interests, but it does not want to be cheated. It does not want to buy a work horse and get a dead carcass which has no value except the hide.

DIFFICULTIES IN MUNICIPAL OWNERSHIP

Some cities have determined that they will themselves own and operate their street transportation business and are having a very interesting time. Many difficulties must be met and overcome. When the most of our state constitutions were written it was considered unsafe to allow much freedom to city governments. Honest men feared the entrance of the political unit into business, even the business of supplying the collective needs of its citizens, and the selfish interest of the utilities had an easy victory in denying the cities the right, or closing the avenues of opportunity, to engage in other businesses than those which did not offer profit to private operation. In fixing constitutional debt limits, even in some so-called home rule states, the full debt limit could not be reached excepting for water supplies and sewers, or less frequently, for sewers, water and light plants. And behind the constitution stood the legislature, usually dominated by a combination of interests in which the utility corporations were fully protected.

But even if the law gave authority and opportunity, the very structure of city government, up to the last ten or fifteen years, was not adapted to the new proposal of public ownership. The public mind was not open to such business undertakings nor were the usual public officials competent to operate them or willing to undertake the new burden. A new light is dawning upon American municipal life, but the dawn comes slowly, and the greater number of cities are to-day in the condition I have just outlined. The electorate is heedless, the government is cumbersome and unresponsive, the officials are frequently changing, poorly paid and unexpert, employes receive appointment and hold jobs on account of election day services, wages and standards of efficiency are low, and "politics" is not the science of government but a disreputable game for spoils. For such a city public ownership of utilities is unthinkable as a hopeful business undertaking. *Public regulation of privately owned utilities, having as its latest development the service-at-cost franchise, is as far as such a city should attempt to go.*

But no city government is as good or as bad as it might be. Extreme examples are rare. Cities are like the human beings which build them and inhabit them, containing much good in the worst, and some evil in the best of them. Bad impulses, in a city government as in the individual, are not only immoral, they are unintelligent, and when that fact is discovered and both reason and moral impulse get to work there is sure to be a change for the better. The decision between service at cost and municipal ownership in any city cannot be made on the basis of right and wrong; it must be influenced by local conditions, and particularly by the character of the city government.

SEATTLE ACTS HASTILY

Seattle has chosen to own and operate its street railways; it took them over by purchase on April 1, 1919, at a price of fifteen millions, paying for them with utility bonds, pledging the first application of the gross earnings to the payment of the interest and the gradual retirement of the principal in the term of twenty years. Seattle is a thriving city of 315,000 population. Its growth during the last decade was 33 per cent. Its population contains an unusually large proportion of intelligent, progressive, wide-awake Americans. Its government is the mayor-council form, the voters having defeated a city manager charter a few years ago. In addition to the recent purchase of its street railways it has owned and operated for many years its water works and an electric light and power plant, both of which have been very well managed and successful, and its Port district has splendidly equipped ocean terminals, warehouses, grain elevators and cold storage plants, all publicly owned and operated. The citizens are proud of their municipal undertakings, and when the question of buying the street railways came up in November, 1918, they voted for the purchase by about three and a half to one.

The deal was a hasty one and did not allow time for a thoroughgoing valuation of the property, but a valuation by accountants of the Public Service Commission, begun but not completed, showed it to be worth in the neighborhood of the purchase price, and the city officials, in a statement to the voters just previous to the election, gave its value as $16,102,946. I am inclined to believe that, considering the state of the business at that time and the growing difficulties in which traction interests all over the country found themselves, the price paid was too high, but I approve the judgment of one member of the Seattle city council, quoted as asserting that he could not see that the lines exceed eight millions in value, but that he believed the elimination of the traction company from local affairs was worth the difference and he would vote for the purchase. The price was probably lower than any valuation which could have been agreed upon as a basis for a service-at-cost franchise.

THE COURSE OF MUNICIPAL OPERATION IN SEATTLE

Had the railways remained in the hands of their former owners, a raise in fares was imminent, and fares had been advanced in all other larger cities in the state. The Seattle railways under municipal ownership are burdened with a heavy obligation of debt liquidation which private ownership would not have entailed, but the new management, instead of raising rates at once, allowed their optimism to get the better of their judgment, asserting that their new utility would meet its obligations with a five-cent fare. Their system is virtually capitalized at $17,215,000, of which $16,440,000 is represented by utility bonds which are a first lien upon receipts, and not only must they pay 5 per cent interest on this sum, but they must also meet the principal in a series of annual payments of $833,000, beginning March 1, 1921.

It soon became evident that in spite of a number of economies, fares would have to be advanced, and while this subject was being discussed a municipal election came on. The management of the street railways was the chief issue and the result was a change of administration. The report of operation issued at the close of 1919, covering the first nine months of municipal ownership, showed that with a rather liberal allowance for depreciation the lines had run behind $517,000. The cash fare was raised to ten cents, with metal tokens sold on the cars at four for a quarter. The mayor in signing the ordinance said he believed the advance was not sufficient. Wages of carmen have advanced from 64 to 80 per cent over those paid in 1918, under private ownership. The gross loss for the first four months of 1920 including depreciation, was $468,000. There are rumors afloat that illegitimate means were used to influence the sale and the city council, at the request of the new mayor, has voted $10,000 as a fund for probing the transaction.

It is too soon to make a reasonable forecast of the outcome of Seattle's latest experiment in municipal ownership. Inadequate financing was forced upon the city by reason of constitutional debt limitation. It must pay for its purchase in eighteen years and at the same time build up a depreciation reserve of over twelve millions, thus placing an enormous burden upon its street car patrons in this generation in order to turn over to the citizens of twenty years hence a street railway fully paid for and adequately maintained. It is a feat which no private company would undertake. A service-at-cost franchise would have called only for the payment of operation, depreciation and interest, and unless there is careful management the fares may be higher during this twenty-year period than they might have been under service at cost. Seattle has not an ideal form of government for carrying on the business of utility management, yet its publicly owned water-works and electric light and power plant have been efficiently managed, and the high-class men who are at their heads as superintendents, have been there many years, through many changing political administrations. The civic spirit in Seattle is high and I believe that public ownership has a better opportunity there than in many cities which have more modern forms of government.

CAN PUBLIC OPERATION BE EFFICIENT?

We are inclined to base our judgment on public ownership upon the presumption that privately owned utilities are always well managed, and that the reverse is true of all municipal undertakings. That this is a fallacy any intelligent student who is open-minded will affirm. Many of the municipally owned utilities have passed through this post-war period without asking for rate increases and are solvent. I know of no city which has owned and operated any utility for ten years or more, in which there has not been a great saving to its people by reason of reduced rates, not only for its own service, but by reason of its competition with privately owned utilities which have thereby been induced to reduce their rates. Municipal ownership is not often credited with any advantage for this reason, and yet I can name cities in which public ownership would have been of the greatest advantage even if the publicly owned plant had never turned a wheel. The tendency in municipal plants is to pay off and cancel funded debt obligations; that of privately owned plants is to increase them. Under municipal ownership the chief incentive of operation is to give service; under private ownership it is to make profits. The tendency under private ownership is to a brand of political activity that, in my opinion, is infinitely worse than any "politics" that may creep into management under public ownership. The people in every city in the state of Washington will be heartily thankful for any curtailment of the evil political domination of the state legislature by the former Seattle traction interests which results from municipal ownership in that fine city.

It is my firm opinion that service at cost is a transition state, a temporary expedient, and one which will be in the long run unsatisfactory to both the owners of street railways and the public. To the owners, it will be just a tightening of the chain of public regulation which curtails more and more their freedom of operation, but it will be sought in order to fix a value which may form a basis for public purchase later. The voters will ultimately awaken to the necessity of a better form of city government, in which the officials have more authority and more responsibility, and of a more lively interest in government on their own part, and when these things have been accomplished, they will insist upon the ownership of their public utilities and their operation on the basis of the greatest good to the greatest number, and the banishment from municipal life of those evil forces, which have done so much to corrupt city government in America.

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VIEWS AND REVIEWS

Petty Graft

Will the legislature take care of the boys? So asked the Kansas City Citizens' League at the beginning of the present legislature. The running expenses of the last Missouri session were more than $500,000. The Senate of 34 members required the services of 460 employes or about fourteen flunkies per member. A representative existed with less help. The 142 house members favored themselves with only 295 employes. Steps toward reform were taken at the present session under pressure by the Citizens' League.

A few years ago Governor Clark of Iowa asserted that most legislative help, so called, was "pure, unadulterated graft." Nevertheless most legislatures succumb to the temptation and clean up only when the absurdity of the situation has been well advertised. Wisconsin found that she secured greater efficiency and reduced expense by providing that legislative employes be selected from an eligible list furnished by the civil service commission.

*

The Controlled Executive

How can parliamentary government be introduced into the United States without amending the constitution is a question sometimes proposed to college classes to test their grasp of political science. That anyone should seriously ask this question comes as a shock to many familiar with rigid, written constitutions which, we are told, can be amended only by a fixed legal process. And yet the governor of Wisconsin has made a recommendation to the legislature of that state which would start us on the way towards parliamentary government without changing a comma of the constitution. He finds that under the Wisconsin system of executive boards the administrative bodies are not responsible to the people. Such responsibility can only be secured by making them answerable to the legislature. And so he tells the legislature that "To bring about the desired object it will be necessary to supplement legislation which gives the legislature the right to interrogate members of the several boards and commissions and lodge the power in the legislature to remove such members."

The governor's proposal is more than a personal hobby. A bill providing that appointive officers could be removed by vote of the legislature after a hearing before that body passed both houses at the last session but did not survive its veto by the governor then in office.

Many State Constitutions Amended

The voters of thirty-three states passed on amendments to their constitutions at the election last November. Tax provisions and salary increases occupied the most prominent place in the catalog of proposals. The people had evidently begun a "buyers' strike" since the six amendments to increase the salaries of governors, legislators or other state officers all failed. South Dakota even refused to grant the legislature full power to fix all salaries. Some proposals to uncover new sources of taxation succeeded; a good many failed. Amendments authorizing taxes on income failed in three states (Minnesota, Maine and New Hampshire) and carried in one (North Carolina). Single tax amendments, popularly initiated in California and Oregon, were defeated by huge majorities. An excess condemnation provision was defeated in Michigan. All the seven propositions submitted by the New Hampshire constitutional convention failed to secure the two-thirds vote necessary to adoption. In South Dakota the legislature was authorized to establish a system of credits to aid in home building. An amendment requiring serial bonds for state debts was carried in New York. Amendments tampering with the initiative and referendum failed in Arkansas and California.

While probably the usual number went to the polls prepared to vote yes or no on all amendments, a large number exercised discrimination whenever their intelligence was not insulted by the triviality of the question submitted. When a constitution is so involved that some details have to be changed each election, the people naturally grow weary. Demos insists upon delegating detail.

The Direct Primary and the Short Ballot

In an article in last month's REVIEW Professor Merriam pointed out that much of the disappointment with the direct primary should properly be attributed to other shortcomings in our governmental system. For example, it is futile to expect any nominating system to function well if, because of the multiplicity of candidates, the election system itself is not satisfactory. Nevertheless the "bosses" never welcomed the primary and they have seized the present moment, when as a nation we seem to be in the trough of reaction and pessimism, to attempt its overthrow.

When official opinion on this subject is for the most part so shallow, it is refreshing to find two state governors who dare to inquire why the primary has not fulfilled early hopes. Let us hear the West first. Governor Dixon of Montana defends the primary and tells his legislature:

> The most plausible argument advanced against the present primary law is that the voters cannot know the personal qualifications of the long list of candidates for the various minor offices.
>
> Of course they do not, but they do have an opinion regarding the merits of the candidates for governor and senator and congressman.

And now the East will match the wisdom of the West. Governor Cox of Massachusetts confirms the criticism stated above and tells his legislature:

> So many candidates seek (the many offices to be filled at a state-wide primary) that it is extremely difficult for even the careful voter to learn of the relative merits of the various candidates. . . . The chief objection to the present system of direct nomination in Massachusetts would in my judgment be removed by the adoption of the short ballot.

The more you think of it, the more you become convinced that the long ballot, inherited from the New England town meeting, figures in most of our political ailments.

ENGLISH LOCAL GOVERNMENT OFFICERS ORGANIZES A TRADE UNION

BY L. HILL

General Secretary, National Association of Local Government Officers, London, England

The Editor has asked me to give the principal motives which have moved the National Association of Local Government Officers to become a trade union and to state how it will affect the status of local government officers. Both parts of the question are difficult to answer with any degree of definiteness. If we accept the statement that "a trade union is as trade union does" the N.A.L.G.O. has been a trade union many years. The decision of the last annual conference of the association (held in May, 1920) to establish the association as a bona fide trade union means nothing more than obtaining the certificate of the registrar that the association is a trade union as defined by the trade union act of 1913.

The registrar's recognition does not in any way affect the policy of the association. It must, however, be acknowledged that a large number of members believe the step gives some magic power and promises a "short cut" to better service conditions. The keen desire for a "short cut" is due in some measure to the reluctance of many local authorities to revise the salaries of their officers in closer relation to the post-war range of values. Another "cause" is the ready manner in which the trade unions of workmen (as distinct from officials) have secured higher wages. The advent of Whitleyism for regulating conditions between employers and employed is another.

It can also be stated that it is the wish of the government of this country to see every profession and occupation effectively organised on both sides, *i.e.* organizations of employers and organisations or trade unions of employes, therefore, apart from the direct incentives of isolated cases it is the present atmosphere or general tendency to organise on trade union lines that is the principal motive behind the recent decision of the N.A.L.G.O. It is something "felt" rather than "defined." Amongst the direct incentives may be mentioned the changed outlook of a very large number of men who served with the army during the war; the obstinate refusal of many authorities to grant reasonable increases of salary to the officials (whilst granting readily practically every demand for increased wages for organised workmen), and the decidedly favourable attitude towards the officers of local authorities mainly or wholly composed of "labour" representatives.

Amongst the general influences is the growth of organisation for "trade union" purposes amongst the professional, administrative and clerical workers in this country. There is, however, a difference between the general body of the "salariat" (as they have been termed) and the local government officer and his colleague, the civil servant. Local government officers, like civil servants, are public servants, the servants of all parties and classes, and there is still a very large majority who maintain that the association should not under any circumstances ally itself with any political party.

PRESENT POSITION PRECARIOUS

On the other hand, there is every reason why local government officers should be more keenly and effectively organised. Their position at the present time is extremely precarious, and no class of worker is in greater need of a powerful defensive organisation. The local government officer is perhaps placed in a worse position than the civil servant, because the salaries and service conditions of the former are always the subject of local comment and no item can be made so popular at the municipal elections. Another disadvantage is the ever changing personnel of elected members of town councils who are for the time being employers of local government officers. The constant changes in this direction mean that past and faithful service is very often entirely forgotten. The bulk of the work carried out by local government officers is enacted by parliament, authorised by government departments, and generally speaking of equal national importance to that of civil servants. The average "ratepayer," however, does not appreciate that and there is great need for a campaign to educate the "man in the street" to the value of local government.

It has been said that local government in this country is more closely identified with the welfare and comfort of every man, woman, and child, than any other contemporary influence. On the other hand the value of their services is more often than not measured by the ordinary ratepayer according to the degree of his antipathy to rates. The war has emphasized the peculiar position of the local government officer. During the first few years of the war local authorities generally expected their officers, as public servants, to be patriotic and forgo the usual advances of salary; very few advances of salary were granted during the first two or three years of the war. It was not until towards the end of the war when the cost of living had so increased that local government officers were recognised as being entitled to some relief from the changed economic conditions, but now, and before every officer has received adequate compensation, there is the cry for economy.

With the imperial parliament finding itself more and more occupied with the reorganisation of the empire, it is forced to delegate greater responsibilities and additional duties to local authorities. The local government service is not only burdened with the accumulated neglect of six war years but has been given a tremendous number of additional duties and responsibilities, all of which means that the local government officer is to-day more than ever in the past entitled to adequate remuneration and service conditions, but the appeal for recognition in this respect is being met with the economy wail. "Economy" and "additional duties" provide a double-barrelled problem for the local government officer to-day. It is not difficult to reconcile this problem because the "development of administration" and "retrenchment in expenditure" each come from different sources, one by national legislation and the other by local public agitation. The members of the N.A.L.G.O. have, during the past eighteen months, realised all this and they feel there must be no misunderstanding their objects. There is, however, very little danger that local government officers will forget that their first duty is to the public and the mere technical step of securing the trade union certificate will not in any way lower the status of the service as a whole.

TAXES AND THE SHORT BALLOT

TWENTY-FIVE GOVERNORS RECOMMEND ADMINISTRATIVE REORGANIZATION

BY H. W. DODDS

The movement to consolidate and simplify state administrative organization was never so promising as to-day.

More than half the legislatures which assembled last January were advised by executive message to undertake reorganization. All these recommendations point the same direction—towards elimination of numerous departments and bureaus in favor of single heads chosen by the governor. The explanation of awakened gubernatorial interest in administrative reform is simple. Taxes are high. Indications are that state and municipal taxes will be higher. But prices have fallen and will fall lower. One who is not a prophet nor the son of a prophet can foretell that high taxes will be less popular than ever. Even a newly elected governor knows that the people believe him to be the head of the state government. In view of the effectiveness of the economy plea in the last campaign he will undoubtedly confess to a feeling of uneasiness. Accordingly we find in a majority of executive messages unequivocal demands for economy followed by constructive suggestions for eliminating waste through administrative reorganization.

PLANS BEING CONSIDERED

In a number of states specific plans are before the legislature, prepared by official or civic agencies. A complete reorganization scheme for Arizona was drawn up under the auspices of the National Municipal League by Mr. A. E. Buck, and is being transmitted to the legislature accompanied by a special message from the governor. Two plans were proposed—one without constitutional changes for immediate action, and one requiring constitutional revision. The latter plan would consolidate some fifty administrative offices and agencies into ten departments, each with a single head appointed by the governor. The governor and auditor would be the only elective officials and their terms of office would be extended from two to four years. About ninety different officials under the existing arrangement would be abolished and their functions transferred to the directors of the ten proposed departments and two or three subsidiary boards.

A special joint committee of the Ohio legislature has proposed, after two years' study, a simplified plan for that state. Dr. Don C. Sowers was the executive secretary of the committee, and with the help of a corps of experts is responsible for the report. Although it is yet too soon to know what action will be taken by the legislature, both houses have appointed special committees to co-operate with the governor. The retiring governor and the new incumbent urged reorganization in their messages. Governor Davis has called in as consultant Mr. George E. Frazer of Chicago, who helped Governor Lowden with the new Illinois code. Two years ago, when the special Ohio committee was appointed, the governor was Democratic and the legislature

Republican. Now that both are Republican it remains to be seen whether the zeal of the legislature has survived unabated. The plan as proposed by Dr. Sowers reduces the elective officers from six to three; leaving only the governor, lieutenant-governor, and auditor. Activities now performed by thirty-six independent boards and commissions would be combined into thirteen major departments with heads appointed by the governor. Boards would be retained for the health and education departments and the industrial and public utilities commissions would constitute departments. A new department of finance would take over many of the functions of the present auditor. The plan is in accord with the best principles.

Governor Hart of Washington has had a complete administrative code introduced which will abolish seventy existing offices, boards, etc. Their functions will be taken over by ten departments under single heads chosen by the governor. In nearly every instance the departmental directors appoint their subordinates. The governor and directors constitute an administrative board with certain general powers over the various departments. This is an interesting recognition of the governor's cabinet. The bill is declared to be an emergency measure to take effect immediately in order to bring the cost of government within the possible revenues of the state. At this writing the bill has passed the house and is before the senate.

In Michigan, following Governor Groesbeck's message outlining limited departmental consolidation, a joint legislative committee has been authorized. The resolution suggests an exhaustive investigation. The governor's recommendations, however, are marred by his proposed administrative board of five elective officers with supervision over administration and expenditures. The Michigan Community Council Commission has gone further than the governor and prepared a complete scheme of consolidation. Their proposed organization chart as published shows ten departments under directors appointed by the governor, and only two elected officers, the governor and auditor, the latter being also the lieutenant-governor, who is to appoint three unpaid inspecting boards. The plan suggests a painless method of extirpating the lieutenant-governor. It is yet too early to know how much of this plan will be accepted by the legislature. The Detroit Bureau of Governmental Research was consulted in preparing the report.

Governor Hyde of Missouri devoted a prominent place in his inaugural address to the principles of administrative reform. The legislative program for consolidation announced by the state Republican committee groups the large number of independent activities into seven departments and two state boards. Bills are to be introduced carrying out these principles. They probably will be violently opposed as ripper legislation.

In California Governor Stephens has sent a special message to the legislature supporting eight bills for the consolidation of state agencies. The governor pays high tribute to the efficiency commission, which reported two years ago, and asserts that the higher efficiency of the department of agriculture, reorganized along the lines laid down by the commission, warrants the legislature in proceeding further. The California Taxpayers' League has been very active for several years and will again present a comprehensive plan to the legislature.

In addition to the plans here noted, a number of governors are recommending partial reorganization sound in theory, which, if adopted, will pave the way for complete reform later.

REORGANIZATION AS A MONEY SAVER

The governors hold out no alluring prospects of lower taxes. No sane observer expects this in view of the expanding scope of governmental activities. What our governors hope for is greatly increased efficiency in the work of the state, a result, hard perhaps to measure in dollars and cents, but real, nevertheless, and one which will serve to maintain the state's credit before the taxpayers. Realizing that the administration of state affairs is scattered among several scores of departments, boards, commissions, etc., they are painfully aware that theirs is a responsibility without power. In sheer self-protection a wise executive favors simplification of administrative machinery at a time when economy is on everyone's lips.

THE GOVERNORS SPEAK

Twenty-five governors discussed consolidation and the short ballot in their messages to legislatures convening in January. Three of these were retiring, and they spoke from the depths of experience. Thus Governor Goodrich of Indiana, who had seen four years of service, after referring to the belief that because the people elect a large number of public officials they control them, said:

> The facts are that by the direct election of a large number of independent administrative officials, the public actually loses control of administrative agencies. The work of a large number of elected public offices and boards cannot possibly be subjected to continuous public scrutiny. . . . Elective offices, the duties of which for the most part are administrative, should be abolished. A large number of state boards should be eliminated, and the various functions of such offices and boards should be consolidated with a few state departments which are responsible to one chief executive.

Governor Hyde of Missouri charged that decentralization, demanded by the political philosophy of fifty years ago, had aided in the development of invisible government and boss control as well as extravagance and waste. He, therefore, recommended "the reorganization of the various appointive administrative departments and their consolidation under as few responsible heads as is practicable." Governor Dixon of Montana spoke in the same vein:

> Let us nominate and elect the chief executive of the state, then give him full power to name his assistants in administering the various departments of the state government, and we will know exactly where to place our finger in locating blame or praise. In that way only will we do away with this eternal pulling and hauling at Helena. In that way only will we get rid of these superfluous and overlapping jurisdictions of dozens of "state boards" and "commissions" with their army of tax-eating employes. In that way only can Montana secure efficient, economical government for our state affairs.
>
> The "Chinese Puzzle" of state government in Montana is yearly becoming more and more complicated. We will never solve it until we cut the Gordian knot and enact the "short ballot" for elective officials.

A number of governors recommended that thorough plans of reorganization be prepared based on comprehensive surveys to be conducted by the legislature or special agents. The governors of Maryland and Kentucky have indicated that reorganization will have a prominent place on the program when their legislatures meet next year. The governors of Colorado and Michigan, although urging consolidation in many branches of the state administration, favored an administrative board of control with supervision over executive agencies. Co-ordination through a central board is, however, an exceptional recommendation. For the most part, the governors are willing, even anxious, to accept full responsibility provided it is accompanied by authority commensurate with the position. Governor Dixon of Montana said:

> Let us nominate and elect the chief executive of the state, then give him full power to name his assistants, and we will know exactly where to place our fingers in locating blame or praise.

Governor Cox of Massachusetts sees a growing tendency to look upon the governor as the head of the government, demands power to appoint his assistants and asks if it is not possible to carry further the spirit of the act of 1919.

COMMISSIONS AS EXECUTIVES

The executive messages of this year give added evidence that the board type of administrative head is not giving satisfaction. In all schemes for consolidation the abandonment of commissions for purely administrative purposes appears as an essential feature. Governor Miller of New York told his legislature, "A commission for administrative work merely divides responsibility." Governor Preus of Minnesota particularly condemned ex-officio boards and commissions. Governor Blaine of Wisconsin, the one state wholeheartedly committed to the board type, recommends reduction in the size of commissions wherever possible.

IS CONSOLIDATION WORTH WHILE?

In a supplement to the November 1920 Review, Professor Mathews outlined the success of the first two years under the Illinois administrative code. Nebraska's new code has been in force less than two years. Governor McKelvie testifies as follows:

> The operations of this plan of administrative organization have proven its practicability. Not only has it added greatly to efficiency in the administration of the state's business, but it has effected a genuine economy in the cost of administrative government within these departments. Moreover it has provided for an adequate control over reporting, auditing and expending the public money, so that I am able to report to you that for the first time in years the cost of government in these departments has been kept within the appropriations made by the legislature, and a balance of $135,644.80 will have been saved, to be returned into the various funds at the end of the biennium.

DETROIT AND ITS NEW CHARTER

BY WILLIAM P. LOVETT

Executive Secretary, Detroit Citizens League

Detroit adopted a new charter in 1918 "as a war measure." The short ballot was not adopted in full, but a 42-man council elected from twenty-one wards gave way to a nine-man council under a strong mayor. :: :: :: :: :: :: :: :: ::

Having United States government attestation that it is the fourth city of the country in population, Detroit of course is proud of itself. But its people universally are quite as much pleased over the fact that during the war, and "as a war measure," they went through the procedure of drafting, adopting, and putting to work a new charter in which there is a unique combination of the board of directors principle, the general manager plan, and the ancient theory of an elective mayor and council.

After nearly two years of experience under this plan the great majority of tax payers and voters are satisfied. If this be too early to expect the reaction from reform, let it be said that the charter framers were wisely conservative, declining to attempt for the people so much reform at one time as to invite reaction. Since its adoption June 25, 1918, by a majority of almost eight to one, it has received nine amendments, none of which caused the slightest change in its fundamental principles.

THE CHARTER NOT RADICAL

That it was not, is not, and cannot be expected to be a perfect charter is not only admitted but is affirmed with emphasis by the proponents of the project. They refused to drive their car of progress too far ahead of the masses of the people. They sought a modern constitution in which local experience and local personnel were not shunted aside entirely. Thus they excluded at the time proportional representation, a city manager chosen by a commission, and insistence on one-man commissions. The accepted rule was to substitute one for more than one, but the exceptions, such as the water board, the arts, city plan, and other boards, prevailed wherever satisfactory results were being attained with division of responsibility.

Placing all governmental activities in charge of a mayor and nine councilmen, all chosen at large on a non-partisan ballot, and for a term of two years, the charter framers sought "business" system and efficiency, but without "cleaning the decks" of all experienced men. Their aim was humaneness and results, regardless of theory. Their starting point was one enthusiastically acclaimed by the public generally: "Whatever you do, be sure to junk the old 42-man council and its vote-swapping league, abolish the 21-ward system entirely, wipe out camouflage party politics."

All this was based on a clean ballot and elections so near purity that it is said, "They ought to be pickled, lest they spoil." Every ballot of every citizen functions 100 per cent, hence no citizen has the excuse for indifference, "What's the use?" And this happy condition is as white against black, when contrasted with the old days before Michigan (in 1916) abolished the saloon and with it saloon politics. In 1915 the state legislature, with a special act, enabled Detroit to clean up its elections. Democracy in the fourth city has been admittedly on the job ever since.

Of course in the headlines of the press, outside of Detroit, there is still a vexatious prevalence of crime, as elsewhere. The new municipal court has gone far to arrest that, however. Abnormal growth has brought its difficulties, such as lack of houses, and thousands of transients who never heard of civic interest. Our worst obstacle is the perennial controversy over street car transportation, which now for thirty years has disturbed our dreams and rasped our nerves. And if, a year or two hence, you hear of an upset in our system of government, lay it not to the system or the people but possibly to the transit issue which has become national in its reach.

A BUSINESS MAN MAYOR

A business man mayor we certainly have in James Couzens, elected two years ago on a platform which derided politics and politicians. Business men predominate in the nine-man council. Yet in cutting for an entirely new deal the people picked a mayor who already had made good as police commissioner. Of the council members, five were members of the old and grossly objectionable ward council—these five, however, standing for progress, and three of them known as of the minority. The salary is $5,000. Out of sixty-six candidates before the primary election, two years ago, nine were chosen who are so representative of that number of different elements in the population as at times to require much time and talk to reach a decision, yet as a body they harmonize among themselves on the main issues, and also with the mayor.

Few cities, big or little, are willing to put so much responsibility on their mayors as Detroit has done. When he is criticized, as he often is vigorously, it is retorted that he was elected by the people, with their eyes open; that "he surely is no politician"; that he is honest, absolutely frank, aggressively independent, and frequently too willing to assume responsibility; and that "those who are not pleased should wait till the next election." Among Mayor Couzens' admitted public virtues is the high standard he has set in the appointment of department heads.

POLITICS ADJOURNED!

No city of a million people can fail to turn up bitter differences of opinion now and then. We have had ours over salaries of school-teachers, the administration of the important department of recreation, and how to stop crime. But under the new system none has arisen seriously to cry "Politics!" There seems to be a popular subconsciousness of the fact that the government is almost perfectly representative of the kinds of people who make up the city; hence, even public officials are entitled to a square deal. The final answer to the superficial critic is to visit a few other cities of size, get the official atmosphere and then hurry back home! If that satisfies not, one need only be reminded of the old ward-aldermanic days—under the new régime there has been thus far not a smell or a scintilla of graft.

Young men of recognized ability and training have universally been named by the mayor as department heads. To enumerate by name would weary the reader and needlessly eat up space in the REVIEW. In Detroit no arguments—and few questions on this score are heard. Besides choosing their mayor, council, and seven-member school board (one of whom is a woman) the people also showed judgment in selection of their city clerk and treasurer, the two department chiefs who are still elective. The at-large plan of elections here is taken for granted; we have none of the doubts recently expressed in Boston or Los Angeles. Our memory of the old ward system is too fresh and keen.

Of technical detail, justifying the new plan, there is a wealth awaiting later treatment. Suffice it now to conclude with the statement that the whole structure stands on democracy at its best. Popular action, expressed unofficially and wisely through the local press, has controlled. It was generated by co-operating agencies, chiefly inspired or practically led by the Detroit Citizens' League and the Detroit Bureau of Governmental Research. The nine charter commissioners themselves were nominated and elected at large, by the people.

With a continuance of clean elections, we can only hope for that other foundation stone of successful popular government, a continuance and normal growth of civic interest and citizen conscience. For we know that "Every city is governed as well as it deserves to be."

THE PENNSYLVANIA COMMISSION ON CONSTITUTIONAL AMENDMENT

BY E. LEWIS BURNHAM
Philadelphia Bureau of Municipal Research

When the legislature authorized a constitutional commission instead of a convention many Pennsylvanians feared it was a scheme for delay. To their surprise the commission has proved a most useful body :: :: :: :: :: :: :: :: :: ::

In the fall of 1918 William C. Sproul was elected governor of Pennsylvania, pledged to a program of constitutional revision. Between the election in November and the meeting of the legislature in January 1919, there was much discussion of this subject. The social and industrial unrest throughout the country was seized on by some as a reason for delay. Governor-elect Sproul in an interview late in November 1918 seemed inclined to hedge a little, and indicated that he was not sure it would be well to undertake revision, after all, within the next year. Senator Penrose, a month later, came out flatly against the calling of a convention by the coming legislature, citing the disturbed conditions prevailing, and the absence of 300,000 soldiers. William Draper Lewis, dean of the University of Pennsylvania Law School, long an advocate of revision, urged that a board should first study the subject carefully, with a view to making specific recommendations to a convention to be called later. Among the staunchest advocates of revision were those interested in securing a new charter for Philadelphia,—the dominant issue before the legislature in 1919,—as they realized that fully half of the improvements in the city government that they sought, could be obtained only through a revision of the organic law of the state.

As the session of the legislature progressed, it became evident that some step would be taken toward revision, and on March 11 the Crow bill was introduced providing for a commission of twenty five citizens to study the question of revision and amendment, and report to the session of 1921.

The friends of revision were divided in their views of this procedure. Some held that the creation of such a commission as that proposed by the Crow bill was merely a scheme for delay, and that its sponsors were actually hostile to any sincere attempt at revision. Others, however, felt that a commission could clear much of the ground, and that under this plan a convention, when called, could do its work more quickly.

THE COMMISSION ORGANIZED

The Crow bill passed the house in April, was passed without discussion by the Senate, and signed by Governor Sproul on June 4, 1919.

The commission of twenty five members authorized by the bill was not appointed until November 22. Of the twenty five citizens selected by the Governor in conformity with the act, eighteen were Republicans and seven Democrats. Two were women, representing the Women's State Republican Committee and the Pennsylvania League of Women Voters. Of the men, fourteen, including the chairman, who until December last was attorney general of the state, and is now a justice of the supreme court of Pennsylvania, and the present attorney general who succeeded him, were lawyers or jurists; three were publishers or journalists; two were educators; two were farmers, one was a forester, and one a labor leader. This preponderance of the legal mind was perhaps natural in such a commission.

The commission promptly organized, with the appointment of William Draper Lewis as secretary, and divided itself into five committees, among which the several articles of the constitution were apportioned for study and consideration. These committees met between sessions of the commission to consider proposals respecting those articles of the constitution assigned to them. Dr. Lewis rendered invaluable service to the various committees in the preparation of briefs on the proposals brought before them, which were printed as part of the official records of the commission, and should prove of great value to any future constitutional convention, either in Pennsylvania or in any other state.

THE FIRST DRAFT

The commission met in the senate chamber at Harrisburg two or three days a week, from December 9 to February 11, by which time it had tentatively adopted a complete draft of a revised constitution. It then adjourned until April 6. This preliminary draft, as it was officially known, was printed and given wide circulation throughout the state, with the announcement that public hearings would be held at Harrisburg, beginning April 6, so that all who desired to appear before the commission might arrange to be heard.

The preliminary draft did not purport to represent the final judgment of the members of the commission, but was designed rather to draw out intelligent public opinion and thus afford the commission the advantage of constructive criticism before resuming its deliberations. It was in many respects gratifying to liberal sentiment throughout the state, and, it may be added, was received with considerable surprise by those who, in view of the expressed attitude of many of the political leaders of the state, and the conservative temperament of the great majority of the members of the commission, had looked for little or no progressive results from the deliberations of this body.

The outstanding feature of the draft, from the liberal point of view, was the provision for a real budget system. Closely related to the budget provision was one specifying that appropriations to educational, beneficial and charitable institutions not wholly under the control of the state should be made in a lump sum to a class or classes of such institutions, thus eliminating much of the evil of the present log-rolling system of making specific appropriations from the state treasury to individual institutions of this character.

This preliminary draft contained a new article on municipalities, which were defined as including counties, cities, townships, boroughs, school districts, and incorporated districts. The existing provisions, in original form or as amended, dealing with these subjects in other articles of the present constitution, were grouped together in this new article, and certain new sections were added. Unfortunately, no home rule provision was to be found among these latter,—"self-determination" carried to this excess, having apparently been judged by the commission too "bolshevistic" in its tendency for the tradition of Pennsylvania.

The financial provisions of the article on municipalities, were excellent. The section relating to debt limit was clarified and that on sinking funds permitted the issuance of serial bonds.

The new article also included provision for excess condemnation, and for the assessment of benefits from public improvements on property benefited, whether abutting or not.

The greatest disappointment in the preliminary draft was in the judiciary article. Instead of following the precedent of the constitution of the United States and leaving the development of the judicial system to legislative enactment, the commission added the superior court to the already long list of constitutional courts, and even continued the equivalent of the present magistrates' courts in Philadelphia, although the name of these minor courts not of record was changed to "district peace courts."

SIX HUNDRED AMENDMENTS PROPOSED AT HEARINGS

Such were the more significant revisions embodied in the preliminary draft of February 11. After a recess of two months, giving time for public study of the preliminary draft, the commission reconvened on April 6, and held public hearings in Harrisburg during the next two weeks. In the course of these hearings the commission was addressed by some eighty persons, among whom were representatives of about twenty five civic and other organizations.

When, after the public hearings in April, the commission again met on May 11, it was confronted with a calendar containing over 600 amendments to the preliminary draft offered as a result of these hearings. By eliminating without discussion scores of amendments entirely lacking in support among its members, the commission was able in a three day session to pass upon all that it considered important of the amendments to the preliminary draft offered since the public hearings, and to leave available for the committee on style the material for a second draft. On May 13 the commission adjourned for the summer, leaving the custody of the new constitution in the hands of a committee on style which, as will appear, nursed it very tenderly through the summer.

COMMISSION RESPONDS TO PUBLIC SENTIMENT

This committee on style was created by resolution of the commission on May 13, and consisted of the chairman and five other members of the commission; a seventh member, originally appointed, was unable to serve. The committee was instructed to compile a second draft of a revised constitution, from the material adopted by the commission at its sessions in May. The second draft, as compiled by the committee on style in May, shows a number of progressive amendments to the preliminary draft, and is significant as indicating the reaction of the commission to public sentiment as expressed at the hearings in April. The very widespread demand for home rule led the commission to incorporate a new section in the article on municipalities, providing that

> "The general assembly may delegate to all cities, or to all cities of a particular class, authority to frame, adopt and amend charters for the organization and government of such cities, subject to whatever limitations and restrictions may be imposed by law."

This provision represents a very considerable advance in the attitude of the commission, which turned down home rule entirely in the preliminary draft, largely on the theory that, since municipalities are creatures of the legislature, for the latter to delegate to them any of its powers, would be subversive of our whole concept of government.

Another provision of the second draft showing the response of the commission to the able exposition of proportional representation at the hearings, is the insertion in Section 7 of Article VIII, of a clause reading

> "And the general assembly may prescribe proportional representation for the elections of any representative body in all municipalities of a given class or classes, or in every municipality, of a given class or classes which, by vote of its electors, approves proportional representation for those elections."

The hearing on civil service also bore fruit in the addition in the second draft of a section to Article IV reading

> "Appointments in the civil service of the state and of all the civil divisions thereof, including counties and cities, shall be according to merit and fitness, to be ascertained so far as practicable by examinations, which, so far as practicable, shall be competitive."

The almost unanimous criticism of the retention, in the preliminary draft, of the Philadelphia magistrates,—even though thinly disguised as "district peace judges" resulted in a compromise whereby in the second draft the section of the judiciary article, dealing with these gentry of such weighty political moment, was amended by inserting at the beginning of the section the words

> "until the general assembly shall otherwise provide."

Thus are the magistrates left snugly within the constitution,—yet artfully concealed beneath them is a stick of dynamite which the legislature may some day find it in its heart to touch off—to the great benefit of Philadelphia.

This second draft represents, it will be remembered, the agreement of the commission upon the substance only of amendments; the commission very wisely did not consume its time at this point in the discussion of style or arrangement, but postponed consideration of such matters until the report of the committee on style was before it.

THE COMMITTEE ON STYLE

The committee on style met in June, during the meeting of the Pennsylvania Bar Association, of which most of the members of the committee were also members. Following this meeting, Dr. Lewis, secretary to the committee, retired to the rocky fastnesses of the Maine coast, and devoted the summer to the preparation of an exhaustive report, which was presented to the committee in the early fall, carefully considered by it in the rarified atmosphere of the Pocono Mountains, and with some modifications, was made the basis of the report to the commission of the committee on style.

The report of the committee on style was submitted to the commission in October, and taken up by the commission sitting as the committee of the whole, at its sessions on November 9 and 10. This report should prove an extremely valuable document to all students of constitutional revision. It contains, in conformity with the instructions to the committee, a draft of a revised constitution, based in substance on the amendments adopted by the commission in May, with the language and arrangement of the sections clarified and harmonized according to a few well thought out and fundamental rules of style. The draft submitted by the committee on style was essentially adopted by the commission in November as its third draft.

COMMISSION REPORTS A REVISED CONSTITUTION AND RECOMMENDS A CONVENTION

This third draft, phrased in accordance with the rules of style above referred to, was printed in parallel columns with the present constitution and the second draft, adopted in May, and was placed before the commission at its next session, on December 14. The commission proceeded to the consideration of this report, and in a two day session agreed upon the final text of a revised constitution—differing but slightly from the third draft, and unanimously adopted a report to the legislature incorporating this revised constitution, and recommending the submission to the electorate of the question of calling a constitutional convention.

As this report will have been submitted to the legislature some weeks before this article appears in print, comment on the constitution therein recommended would be rather belated. Suffice it to say that, as it contains over one hundred and thirty changes in the present constitution, it will be obviously impossible to incorporate them into the organic law through the amending process of the present constitution. Therefore, unless the work of the commission is to go for nought, it will be incumbent upon the legislature to submit to the electorate the question of calling a convention.

As for the commission itself, it may well feel that it has amply proven the need for a general revision of our constitution. The commission admits that it has never been accused of the least taint of radicalism, and that the initiative, referendum and recall were never even seriously considered by it; yet the adoption of its recommendations would bring Pennsylvania a long stride nearer to some of her more progressive sister states. And no man can say that the commission has not performed its task with the most painstaking fidelity and devotion.

NASHVILLE'S EXPERIENCE WITH COMMISSION GOVERNMENT

BY IRBY ROLAND HUDSON
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Nashville's commission government, designed to perpetuate a group in power, is marked for destruction. :: :: :: :: ::

After a seven-year trial of the commission form of government, a number of people of the city of Nashville, Tenn., have become dissatisfied with the charter revision of 1913, and there is a growing feeling that a decided change of some nature should be made. In the August primaries of 1920 one of the legislative tickets advocated a return to the councilmanic form, proposing to make a combination of this type with some of the features of the city-manager plan. The opposing ticket stood for a retention of the charter as it is now formed and was pledged to enact no radical change. While the former group were rather indefinite as to their programme of altering the charter and did not present a well-worked-out-plan, they were able to carry the election, largely because of other principles for which they stood. Since both sides, however, attempted to make the revision of the charter an issue in the election, it may be confidently stated that many, while not approving of the councilmanic plan voted for the successful ticket because it held out a method whereby the practical workings of the present city government might be revised. In the November election an Independent ticket, representing a disaffected labor group, went before the people advocating the present charter. This group was defeated by a two-to-one vote. Our representatives are now working out a programme, but at the present writing no details have been given to the public, further than an assurance of the overthrow of the commission idea.

DISSENSION AMONG THE COMMISSIONERS

There are certain inherent weaknesses in the commission form of government that are common to a majority of the cities of this type. From these we have suffered, as it is to be expected. The most usual, possibly, is the competition among the various commissioners to build up their own departments at the expense of the others, and for a group to turn against one or two of the five and attempt politically to ruin their opponents by refusing to vote necessary funds to a designated department. The present administration has been noted for this fault. Either through mismanagement or an improper distribution of funds certain departments have spent, before the year was out, all of the money allotted to them at the time the annual budget was adopted; and the other commissioners have refused to vote additional sums to carry on these departments in a satisfactory manner. The whole city is thus forced to suffer either because of a lack of foresight and efficient planning on the part of one commissioner or because of a political quarrel in which few people outside of special partisans are concerned.

There has been a lack of harmony

due to the ever changing effort to capture and hold public attention and support. While 90 per cent of the measures adopted by the commission are carried by an unanimous vote, public attention has been called to the remaining 10 per cent through antagonistic newspaper interests to such an extent that the city has been kept in constant turmoil for the past four or five years. Rival political factions have used the city hall crowd as a means of constant agitation for personal advancement. While the men selected are supposedly non-partisan so far as national politics are concerned, there has been an effort made by certain interests to use the city hall patronage to build up personal followings that will control elections. A casual attendant at the meetings of the commission would hardly observe any deep-seated variance in the general principles held by the various commissioners, but at the same time he would get a distinct impression of the rivalry of the changing factions. The city has been ruled by a three to two vote on the vast majority of cases where there is a difference of opinion on any subject. This would be expected, but overemphasis of that division for partisan purposes can easily bring damage to a city's administration. The commission form of government is no panacea for factional fights, nor is it a guarantee that a high type of man or an efficiently trained administrator will be elected, where selfish interests dominate a community or where the spoils of office are rich in appointing power, or where the commission has the review of tax assessments on all private property.

During the first administration under the commission, the political machine in control of the city was able to function smoothly. The mayor was the acting director of the machine, so far as the public was concerned, and no outsider was able to break in. One evil particularly noted during the first two years under this group was the extravagance of the city officers, in that each department head seemed heedlessly to make extensions that drove the city in debt to the extent that a bond issue of practically a million dollars was needed to keep the city out of bankruptcy.

HISTORY OF NASHVILLE CHARTER

Other ills could be cited that are no doubt common to most cities of the commission type, but there is possibly one fundamental cause of the discontent in Nashville. The origin and nature of the charter itself under which the city operates makes it as a government a partial failure at best. A short account of how the charter was secured, as well as a statement of how the old charter worked, is necessary for a fuller understanding of the situation.

Before 1913 Nashville was organized under a mayor-council plan by a charter granted in 1883 by the state legislature. A number of amendments had been made by the end of the first decade of the twentieth century, but the chief outline had been preserved. The council was made up of one councilman elected from each of the twenty-five wards, and the mayor had a certain amount of power concentrated in his hands. The dominating influence, however, was the board of public works and affairs, a committee of three men nominated by the mayor and confirmed by the council. Their term of office was six years, one retiring at the end of each second year. The board managed or supervised the various departments of the city government, and once in office a control of its workings was virtually impossible because of a lack of direct responsibility to either the people or the mayor or the council.

In 1912 part of the walls of the reservoir of the city's waterworks, which is situated in a thickly populated residence section of the city, gave way, causing damages to the city and the residents of that region amounting to thousands of dollars. Leaks had previously been noticed and called to the attention of the city authorities. Investigations had been started, but as the burden of responsibility could be easily shifted from one group to another, nothing had been attempted in the way of repairs. When the people realized to what an extent the city had been injured by the failure of its agents to foresee and prevent such a calamity, a demand for the punishment of the guilty parties arose on all sides. A second round of investigations was started; after a series of passing the buck from one department to another, then to the board of public works and affairs, from them to the mayor and the council and once more to the various departments, one department head was suspended in an effort to make a scapegoat of some one. The courts later declared that this man was not guilty of the charges preferred and he was restored to power with full authority and back pay for the time that he was out.

The same year, 1912, a group of business and professional men of the city commercial club brought before the public the need of a change in municipal affairs and drew up a charter for a commission form of government. This group of men invited outside aid, and after a number of public hearings submitted a charter to the members of the legislature from Davidson county, in which the city is located, to be introduced under the special legislative system. The bill passed both first and second readings; but at the time of the third reading a substitute bill was introduced in its stead. The origin and content of this bill was not made known at the time, nor for some time after it had become a law without the governor's signature. Secrecy seemed to surround the measure. Under a gentleman's agreement or courtesy usually extended in such cases the bill had been rushed through. Special legislation from which the state and the cities of Tennessee have so often suffered added another triumph to its list, already too long. The citizens had no voice at the polls in approving or rejecting the charter and had no opportunity of condemning this action of their representatives, except by refusing to elect them to the next term of the legislature.

It was held by many at the time, and later substantially proved, that the substitute was drawn and introduced through the influence of the machine which controlled not only the city, but likewise the county organization. The subsequent discussion of the two bond issues is an added proof of this fact. As the probe, which will be described later, showed, this group feared the coming into office of outsiders. Certain individuals had served the full number of years in office allowed by the old city charter and were ineligible to run for the same office without legislative enactment. Under a new charter a continuation of the same men was possible.

NEW CHARTER TAKES CARE OF OFFICE-HOLDERS

Among the provisions of the charter act of 1913 a commission of five men is provided who are to exercise executive, administrative, legislative, and certain judicial powers. The two members of the board of public works and affairs, whose term of office had not yet expired under the old charter, were automatically to hold office as commissioners of certain designated departments for the remainder of their terms, while the other three commissioners were to be elected. The term of office according to the charter is four years, and nothing is said about ineligibility after serving any length of time. The fifteen administrative departments are divided among the five commissioners, each being elected to supervise certain designated departments. Each commissioner is responsible for the well-being of his departments and introduces all measures that relate to them. The mayor, having the responsibility of general supervision over all city affairs in addition to administering certain departments directly, has no veto power or other control over the commission, save only one vote in five.

A direct non-partisan primary and nomination by petition of twenty-five qualified voters are provisions of the charter. The recall is provided for and has been attempted on two occasions, but not successfully. There is a provision for the referendum on bond issues and on the granting of franchises to public utilities. No provision is made for the initiative or for the referendum on the acts of the commission.

RESIGNATION AND OUSTER OF COMMISSIONERS

In June, 1915, some of the books of the city treasurer's office were stolen or destroyed. This led to an extended probe of city affairs and also to one of the most complicated lawsuits in the history of the city. One of the commissioners resigned late in June. Under authority of charter provisions the remaining members of the commission elected a new member to take his place. As the probe grew more intense a second member resigned, and his place was filled as in the first case. During July a recall petition was circulated to remove two of the three old remaining commissioners, but, before it could come to a vote, ouster proceedings were instituted against these members and they were removed from office on July 27. Upon appeal, the supreme court on August 7 rendered a decision upholding the ouster as well as the decision of the lower court in removing these officials, a remarkable instance of the rapid work of the court where the question at stake was of such importance. It is interesting to note that the ouster proceedings included the two members who had resigned as well as the two commissioners who remained in office. The commission operated from July 27 to August 4 with only three commissioners, when on the latter date a deadlock was broken after more than five hundred ballots had been cast to select successors to the two members who had been recently removed by the courts. Partisan politics played a dominant part in the election at the time.

The personnel of the commission was thus almost wholly changed, but under the method of selecting the new members a radical departure from the old days could hardly be expected. The new group entered into office under the severe handicap of a series of lawsuits involving four of the old members of the commission, a number of minor city officials, and a number of business interests. This group of cases finally resolved itself into the case of *R. Miles Burns* vs. *the City of Nashville.* Although begun in June, 1915, the case was finally disposed of by the Tennessee supreme court in a decision handed down March 27, 1920. The court failed to sustain many of the charges and allowed a number of expense items to stand that had been thrown out by the chancellor in his decision. Only about $160,000 was ordered paid into the city treasury, although the original claims had been many times that amount. The city had largely lost interest in the whole affair by the time of the final decision. As the findings of the court affect only a few individuals and as some of these are now outside of the state's jurisdiction, little more than historical interest at the present time remains of a once famous case that involved a large part of the city's officers in 1915.

One of the provisions of the city charter that has attracted very little attention is the extension of the civil service regulations to cover a vast number of appointive city employes. The majority of these had been in office for a number of years under the old régime and were thus forced upon the city as a permanent heritage. As they were largely hand-picked, their service in maintaining the gang in authority is easily understood. A new set of commissioners may be elected, but experience has proved that new men are almost incapable of exercising any great change in city affairs, because they have, as a rule, been absolutely unacquainted with the departments that they are to supervise, and the minor officials have the opportunity and the ability to block any innovations that may threaten the control of certain interests. Here possibly lies one of the reasons for the unsuccessful workings of the charter of 1913, so far as good government is concerned. The original intent of that document was to perpetuate a group in office and influence. Despite the removal of the leaders, the personnel in the minor positions of the city's administration has changed but little.

During the past few years a revived interest in civic righteousness has come about, and a reform element has been able to get control of the commission. The changes in administration have wrought some improvement, but not the radical reforms hoped for by many voters at the time of the elections. All of the members of the group in office at the time of the probe have lost political control in municipal affairs, except for the influence exerted by those who are protected by the civil service.

While the commission form of government has not proven an unqualified success, it did make possible the bringing of a set of guilty officials directly before the courts and also before the bar of public opinion. Forces that had been hidden, that intangible blending of business and politics, were brought more into the open. The findings of the courts could hardly have been made under the irresponsibility of the old mayor-councilmanic plan. The charter of 1913, which was so carefully drawn to perpetuate a group, was thus turned into a trap that deprived them of position and power in the city. Its defects are easy to point out, but its blessings to the community have been considerable.

VOTERS' VAGARIES

THE VALUE OF POSITION ON A BALLOT

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Illustrating by a concrete case some elements which distort the expression of the popular will. :: :: :: :: :: :: ::

For a short time following every election there is no more favorite form of indoor sport among politicians than the analysis of the returns, with special reference to the vagaries of the voters. The gentlemen who thus amuse themselves are subject to no illusions regarding the intelligence of the electorate. They know that certain quotas of voters will vote for every Irish or German or Polish name on the ballot, and that others will vote against all candidates of foreign extraction. They know that by running a nonentity whose surname happens to be the same as that of some leading candidate they can always split off part of the vote of the latter. And they are familiar with the antics of the occasional joker who zigzags back and forth across the ticket with no apparent motive except to cause additional work and profanity on the part of the long suffering election officials when they come to count his ballot.

Politicians also know to a certitude that the most careful instructions regarding voting will fall short of complete execution owing to the invincible ignorance or neglect of many of their followers. Sample ballots fully supplied with cross marks in the right places are left at home, or, if carried to the polls make too severe a demand upon the gray matter of the voter, although all that the latter has to do is to duplicate these cross marks upon an identically similar official ballot. Politicians are further aware that failure to place the name of the candidate upon the printed ballot is an almost impossible handicap, and that no amount of exhortation to "write in" that name will be more than partially effective. "Stickers" may help somewhat, but many voters throw them away, while others attach them everywhere on the ballot except the one place where they will count as intended. Finally there is general agreement among politicians as to the value of a good position on the ballot. Election returns are usually so complicated, however, that it is difficult to ascertain with any degree of exactness the weight of this factor.

UNDER TEST CONDITIONS

A primary election held in Pennsylvania, May 18, 1920, was so simple, at least so far as the Democratic ticket was concerned, that it affords unusual opportunity to investigate the last named point. By way of general description it may be said that the Democratic voters were divided on this occasion into two wings, one following the leadership of Attorney-General Palmer, the other that of Judge Eugene C. Bonniwell. It can scarcely be maintained that many issues were involved in the fight except as to the local records of the two leaders and their followings, and into that long story it is not necessary to go here. In addition to these differences the Bonniwell faction sought to make the most of the anti-prohibition sentiment. Both wings professed devotion to the Wilson administration, although, of course, Mr. Palmer's membership in the official family of the president placed his faction in a much more advantageous position to press this point.

In Pennsylvania primaries only enrolled voters may participate, that is, only those who in addition to other qualifications have formally declared in writing their adhesion to the party the primary ballot of which they desire to vote.[1] The electorate on this occasion, therefore, was made up of party regulars, who might be expected to take more interest in politics than the large mass of voters who are too independent (or too much afraid of social or business pressure) to enroll in any party. Every one of these "regulars" received campaign literature from the two factions, including either marked sample ballots or lists of candidates for whom he was asked to vote. The party press also devoted rather more than the usual amount of space to the fight between the two factions.

Thus prepared, such an electorate might be expected to vote "straight" to a greater degree than the wider electorate at a final election. Whether or not its intelligence in handling the ballot is greater than that of the general electorate is questionable. On the whole, however, the primary electorate of May 18, 1920, may be assumed to have been quite normal in the vagaries it displayed,—if such a phrase be allowable.

The most hotly contested fight in the whole primary election raged about the office of national committeeman. It involved the same candidates, Mr. Bonniwell on the one side and Mr. Guffey on the other, who had been pitted against each other for the Democratic gubernatorial nomination two years earlier. Considerable personal bitterness had remained from this earlier struggle. Moreover, as a party office, the decision of the primary of May 20 was final, no subsequent ballot being necessary as in the case of nominations for state and national offices. In a minority party, such as the Democracy in Pennsylvania, it is, of course, quite commonplace to find more effort bestowed on securing party office than in securing nomination for actual public office, since the latter is usually an empty honor to which is attached the hard work of campaigning a second time.

In round numbers one hundred and twenty-five thousand votes were cast in the Democratic primary, of which Mr. Bonniwell received 45 per cent, and his opponent, Mr. Guffey, 55 per cent. The same percentages were very closely approximated in the average vote cast by the two factions for delegates at large to the Democratic National Convention and for representatives in congress at large. It seems fairly clear, therefore, that of the voters who presented themselves at this primary, sixty-nine thousand were followers of the Palmer faction, and fifty-six thousand of the Bonniwell faction.

Using this as the best obtainable basis for further comparisons, we may now consider some of the results of the struggle between the two factions over the twelve delegates at large to the Democratic National Convention. Each faction nominated a complete ticket for these offices, so that the voter was confronted with a list of twenty-four names, alphabetically arranged, and accompanied by no further information except the address and county of each candidate, and his promise or refusal to promise "to support popular choice of party in the state for president."[1] From this list of twenty-four names the voter was instructed to "vote for twelve."

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[1] Except for judicial offices for which a nonpartisan primary ballot may be used by all voters whether enrolled as party members or not.

It is to be presumed that each of the twenty-four candidates possessed some local following, but for very few of them could more than this be claimed. The writer has followed Pennsylvania politics, state and local, with close attention for twelve years, and in addition was factional leader of a congressional district in this primary, but he must confess that of this list of twenty-four names he knew but two personally and two others vaguely by reputation. With the overwhelming majority of other voters he would have been unable to vote intelligently (that is, in this case, for men supporting his choice for the presidency and his convictions on national issues) for delegates at large to the national convention without the aid of the marked sample ballot printed by his faction.

That such sample ballots were largely used, the results clearly show; that, on the other hand, their effectiveness was diminished by the position of names on the ballot appears with equal clearness. It was, of course, by no means accidental that the first six names on the ballot, all of them belonging to the Bonniwell faction, begin with the letter A. The following seven names begin with the letter B, and four C's come next. Of the entire twenty-four, seven only have names beginning farther down in the alphabet than C, and of these seven it was the misfortune of the Palmer faction to have named five.[2]

THE ALPHABET IN POLITICS

The first candidate on the list received by far the largest vote (55,063) of any of the Bonniwell nominees for national delegate. It is worth noting, however, that he did not poll as large a vote by 1,505 as Mr. Bonniwell himself did for national committeeman, although the list of twenty-four candidates for delegates occupied a more prominent place on the ballot.[3] Similarly the high man of the Palmer list for delegates started out with 1,058 votes less than were cast for Mr. Guffey as national committeeman. In other words, out of a total vote of 125,000, rather more than 2,500, or 2 per cent, who voted readily enough as between the names of two candidates, refused even to begin the ardu-

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[1] Of the Palmer list all but one promised to do so; of the Bonniwell list all but one refused to make this promise.

[2] In the following table, showing the vote for each of the twenty-four candidates for national delegate at large, names of the Palmer candidates are italicized:

Allen,	55,063	*Brodbeck,*	54,988
Altmiller,	50,403	*Casey,*	59,954
Amig,	47,698	Connelly,	42,144
Ammerman,	46,950	*Core,*	50,403
Ancona,	48,312	Crawford,	37,424
Andre,	46,907	Diffenderfer,	35,062
Barnum,	67,346	*Dodds,*	51,216
Bigelow,	67,632	*Donnelly,*	53,069
Blakeslee,	64,098	*Fagan,*	51,830
Bonner,	48,739	*Grimm,*	50,068
Bradigan,	46,905	Holstein,	32,609
Bright,	62,661	*Light,*	49,078

The vote of Mr. Bonniwell for national committeeman was 56,568; of Mr. Guffey, 68,690. For these figures the writer desires to express his obligation to Mr. Warren VanDyke of Harrisburg, Pa.

[3] They were at the top of the second column, directly over the square containing the names of the two candidates for the national committee.

ous task of picking twelve out of twenty-four.

A much larger number of those who started valiantly upon the latter task fell by the wayside. Thus taking the Bonniwell list of twelve candidates the vote declines steadily, with but two irregularities, from 55,063 for Number One to 32,609 for Number Twelve. The descent is more irregular in the Palmer list, but it is none the less marked, its extremes ranging from 67,632 cast for the second on that list to only 49,078 cast for the twelfth. Summing up the extremes of both factions we may say that of one hundred and twenty-three thousand men who started out to vote for twelve candidates out of twenty-four, only eighty-two thousand, or two-thirds, persevered to the end. Having reference not to the extremes, but to the whole mass of votes actually cast for delegates at large, the matter may be stated in another way. The one hundred and twenty-five thousand men, who expressed themselves fully where the question was one of choice between two candidates, developed the voting strength of only one hundred and two thousand men where the question was that of choosing twelve names out of twenty-four.[1] And of these one hundred and two thousand, only ninety-six thousand voted straight, which in this case amounted to the same thing as voting intelligently.

The average vote of the twelve Bonniwell candidates was about forty-five thousand.[2] Some measure of the importance of having first place on the ballot may be gained from the fact that the Bonniwell candidate, who enjoyed that advantage, ran ahead of this average by 10,212 votes, or 22.8 per cent. The second candidate, also a Bonniwell man, exceeded the average by 5,552, or 12.3 per cent. At the other end of the scale, the last Bonniwell candidate, who had twenty-third place on the ballot, fell behind the average by 12,242 votes, or 27.3 per cent.

The same tendency appears in the case of the Palmer candidates, but not so markedly, for the first candidate of this slate came seventh in alphabetical order on the ballot. Nevertheless, he ran 10,482 votes, or 18.4 per cent, ahead of the average vote of his colleagues. The last Palmer candidate, whose place was twenty-fourth on the ballot, fell 7,786 votes, or 13.7 per cent, behind the average for this slate.

A large number of voters, confronted by the injunction to "vote for twelve" of the twenty-four candidates, solved the problem by placing a cross to the right of the first twelve names on the ballot, utterly regardless of their affiliation with one or the other faction. As a result of this tendency the first twelve candidates on the ballot received 66,450 votes in excess of their total average,[3] while the last twelve fell 66,443 below their total average.[4] To put the matter in another way, about five thousand five hundred men, or 4.4 per cent of the total participating in the election, cast all their twelve ballots for the first twelve names on the list, regardless of the fact that eight of them were for McAdoo for president and four for Palmer.

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[1] The total number of votes cast for the twenty-four was 1,220,587. As each voter was entitled to twelve votes, this is equivalent to the voting strength of 101,715 men only.

[2] Exactly 44,851.

[3] As eight of these were for Bonniwell and four for Palmer, this total average would be (8 × 44,851) + (4 × 56,864), or 586,624 votes.

[4] In this case the proportion of Bonniwell and Palmer men is reversed, so that the total average stands (4 × 44,851) + (8 × 56,864), or 634,316.

WRITING-IN A NAME.

The most prominent place on the ballot of May 18,—at the top of the first column devoted to partisan candidates,—was given to the expression of the presidential preferences of the voters. However, the only name printed in this square was that of Mr. Palmer, as his followers alone had taken the trouble to circulate nominating petitions in his behalf. In the latter stages of the campaign the Bonniwell faction decided to support Mr. McAdoo. Although they advertised this decision vigorously and circularized all the Democratic electors of the state in his favor, they were at a disadvantage, both because of their late start and because their adherents were obliged to write in the name of their presidential preference.

As a result Mr. Palmer received 76,254 votes, or seven thousand five hundred more than were cast for any other statewide candidate on the Democratic primary ticket. Nevertheless, 21,439 electors voted for Mr. McAdoo, certainly a large number considering the circumstances. In attempting to estimate how great was his loss, largely due to the fact that those who favored him had to write in his name, it should be recalled that in voting for delegates at large to the Democratic National Convention, all of whose names were printed on the ballot, 44 per cent of the electors supported candidates who unquestionably would have voted for Mr. McAdoo at San Francisco. On this basis it seems fair to assume that about fifty-five thousand voters would have expressed a preference for Mr. McAdoo if his name had been printed on the ballot. As a matter of fact only 21,439, or 38.9 per cent of the above number, did so. Of the remainder one-half, or twenty-seven thousand five hundred, did not vote at all, and at least six thousand, or nearly 11 per cent, placed a cross to the right of Mr. Palmer's name. Of course these six thousand contradicted their own votes for national delegates. It is conceivable that some portion of them were influenced by state pride or by personal admiration for Mr. Palmer. Others, however,—how many it is impossible to say,—simply "obeyed that impulse," moved by the curt injunction to "vote for one," and the fact that only one name was printed beneath it.

As a result of the various tendencies noted above, the Bonniwell faction, in spite of its substantial inferiority, was successful in breaking the Palmer slate in two places. They elected two of the delegates at large to the national convention, the successful candidates in this instance being the two at the top of the list, while the two Palmer men who were defeated were the last two names on that slate. By the same tactics the Bonniwell faction also succeeded in naming one of the four nominees for representative in congress at large. In one other case, that of the nomination for United States senator, the Palmer slate was broken, but here the result seems to have been due to the war record and the personal popularity of the successful candidate.

CONCLUSION

Of course voters' vagaries, such as are discussed above, have long been observed. All that the present study can claim to accomplish is that it has given them quantitative analysis in the comparatively simple case of a single election. To this extent it establishes the degree of invisibility which Short Ballot writers have pointed out as a consequence of our long ballots, and confirms the need of the reform they advocate.

THE DIRECT PRIMARY IN INDIANA

BY CHARLES KETTLEBOROUGH

Director, Indiana Legislative Reference Bureau

Contrary to popular belief more voters participate in the primary in rural districts than in the cities. :: :: :: :: ::

The primary election law of Indiana was enacted in 1915, and has been in operation at the elections of 1916, 1918, and 1920. It applies to the Democratic and Republican parties only. In 1916, the primary was held in March, in 1918 and 1920 in May. The primary provides for a preferential vote for president, vice-president, United States senator and governor; for the direct nomination of candidates for congress, the general assembly, all county, city and township officers, and the local judiciary; for the election of precinct committee-men and delegates to the state convention; and the creation and control of party machinery. There are four officers for which a preferential vote may be taken; 358 for which direct nominations may be made, involving the possible selection of 9,056 candidates; 3,143 precinct committeemen and 1,678 delegates to the state convention to be elected; and nineteen state officers who are nominated at the state convention. As originally enacted in 1915, the Indiana law contained a first and second choice provision, but owing to its unpopularity, this provision was repealed in 1917.

PARTY MANAGERS HAVE NOT SURRENDERED

In evaluating the primary as an agency for the nomination of candidates, the election of party officers and the control of the party machinery, the question is not whether the party managers are corrupt and designing men and the voters capable of coherent and intelligent action, but whether the party managers, by means of the primary, have been deprived of the power which they originally possessed of naming the candidates for public office and controlling the party machinery. An inspection of the primary election returns in Indiana and a casual familiarity with the adventitious political processes employed, shows conclusively that these powers are vested as securely in the party managers as they formerly were. However, as the party managers are perpetually constrained by the potential powers of retribution which the primary possesses, they probably exercise these functions with more appropriate caution. In its practical evolution, therefore, the Indiana primary has substantially approximated the Hughes type, whereby the party managers propose a candidate or a list of candidates for popular approval; if these candidates are acceptable, the choice of the managers is ratified by the voters; if any candidate so proposed is objectionable, the primary affords a means of compassing his defeat.

In its operation, the Indiana primary has disclosed the following idiosyncracies:

There are only 50 per cent of the qualified electors who vote at the primaries.

There are only 41 per cent of the

public offices and only 34 per cent of the party offices for which there is more than one candidate in the primaries.

There have been three conclusive and three inconclusive preference primary contests, no one of which, in all likelihood, would have resulted differently if handled exclusively by a convention.

PARTICIPATION OF VOTERS VARIES WITH VIGOR OF CAMPAIGN

Students who have made scientific observations on the operation of the direct primary have long since been aware that only a relatively small per cent of the voters participate in the primary elections, and various speculative reasons have been assigned for this general and widespread indifference of the electorate. The experience of Indiana emphatically confirms the theory of the constant and irremediable existence of a large nonparticipating element of the electorate but contributes little to assess the cause with adequate and scientific certainty. A calculated average for the years 1916, 1918 and 1920 shows that there were 42 per cent of the Democratic voters and 59 per cent of the Republican voters who participated in the primaries. The percentage of Democratic electors who voted in the primaries steadily declined from 50 per cent in 1916 to 47 per cent in 1918 and 32 per cent in 1920. In the Republican primary, there were 62 per cent of the voters who participated in 1916, 46 per cent in 1918 and 67 per cent in 1920. The rather noticeable disparities in the percentages of the vote polled by the two parties is readily explained by the character and vigor of the party contests which have developed, together with the prevalent and strikingly contrasted party morale during the recent campaign. In 1918, when there was no outstanding contest in either party, the primary vote was substantially identical. In 1916, the Republicans waged a spirited contest for governor and United States senator, and in 1920 for governor and president; during the year 1916, the Democratic campaign was comparatively tranquil, and during the year 1920 conspicuously listless. The response of the party voters was in direct proportion to the vigor of the campaign, the determination of the adherents of the respective candidates, and the probable chances of ultimate success. As a resultant of the energetic operation of these compelling causes, and in a state in which the two parties are evenly matched, it transpired that the Republicans polled 48,634 more votes than the Democrats in the primary election of 1916, 18,465 more votes in the election of 1918, and 123,277 more votes in the election of 1920. Usually a candidate for governor, president or United States senator will poll more votes than a local candidate. In 1916, the combined vote here for United States senator in the Republican primary was 11,687 votes in excess of the combined vote for congressmen; in 1920, the combined vote for the Republican candidates for president was 82,891 votes in excess of the combined vote for congressmen; chiefly by reason of an absence of contests for candidates nominated by a state-wide vote, there were 2,743 more Democratic electors who voted for congressmen in 1916 than for president; and in 1920 the combined vote for the Democratic candidates for governor was only 11,071 votes in excess of the combined vote for congressmen.

It has usually been assumed that, owing to the distances which rural voters are required to travel to reach the polls, as well as the rather imperfect structure and somewhat more dilatory operation of the party organization in sparsely settled territory, rural voters participate less frequently in the primaries than urban voters. An analysis of the returns shows that in counties in which two-thirds of the population live in the rural districts, there were 56 per cent of the voters who participated in the primaries; in counties in which two-thirds of the population live in cities or towns, there were 42 per cent of the voters who participated in the primaries; and in counties in which the population is evenly divided between rural and urban, there were 53 per cent of the voters who participated in the primaries. The reason usually assigned for the extensive non-participation of electors in the primary are the indifference of voters, their natural reluctance to attend so many elections, and the existence of a feeling that, owing to a lack of contests for many offices, the primary is merely an expensive and useless device to obtain popular approval of a fait accompli. Since 1916, and exclusive of special elections, the voters of Indiana have been called upon to participate in the following elections: In 1916, the March primary, the October registration, and the November election; in 1917, the city primary in March, the registration in October, and the election in November; and in 1918 and 1920, the May primary, the registration, and the general election. While elections are not as numerous in Indiana as in many states, they seem to have reached and passed the saturation point. In extenuation of the fact that nominations are made in the primaries by not to exceed 50 per cent of the party voters, it may be observed that constitutional amendments are proposed by the legislature, which is a very small group of the electorate, and are ratified by the comparatively small fraction of the electors who take the trouble to vote. In 1881, when the last constitutional amendments were adopted in this state, there were known to be at least 451,028 qualified voters, whereas the amendments were ratified by the votes of 128,731 electors, or 28 per cent of the total.

CONTESTS FOR NOMINATION DECREASING

It is obvious that if there is only one candidate for any office, the nomination to which is made in the primary, an election is useless. Recognizing this fact, the legislature provided in 1917 that in cases where there was only one candidate for an office, no election should be held. Moreover, it may be pretty safely assumed as an axiomatic political postulate that where there is only one candidate for an office he has been named by or is acceptable to the organization. Granting that this assumption cannot be successfully assailed to what extent has the organization named the candidates for office in this state under the primary? An examination of the primary election returns in Indiana shows that for the years 1916, 1918 and 1920, out of a total of 1,049 offices for which candidates were to be nominated, there were 623 or 59 per cent in which no contest developed; in which just enough candidates were produced to fill the ticket at the ensuing general election; in which the voter was afforded no range of choice; and in which voting was purely a matter of supererogation. Out of a total of 489 offices for which nominations were made by the Democratic party, there were 287 or 59 per cent for which there were no contests; out of a total of 507 offices for which nominations were made by the Republican party, there were 289 or 57 per cent for which there were no contests; and out of a total 53 offices for which nominations were made by the Progressive party, there were 47 or 89 per cent for which there were no contests. Exclusive of the offices of president, United States senator and governor, the number of contests has steadily decreased since the primary was first used in 1916. In the Democratic party, 40 per cent of the nominations were uncontested in 1916, 60 per cent in 1918 and 65 per cent in 1920; in the Republican party, 48 per cent of the nominations were uncontested in 1916, 62 per cent in 1918 and 56 per cent in 1920. For the same period, 50 per cent of the congressmen, 48 per cent of the state senators, 57 per cent of the state representatives, 51 per cent of the circuit judges, and 62 per cent of the prosecuting attorneys have been nominated without opposition.

FEW CONTESTS FOR PRECINCT COMMITTEEMEN

Another illuminating aspect of the primary is the manifest lack of interest in the office of precinct committeeman who is vested with the ultimate control of the party machinery. Under the provisions of the primary law, the 3,143 precinct committeemen elect the ninety-two county chairmen; the county chairmen elect the thirteen district chairmen; and the district chairmen constitute the state central committee, and elect the state chairman. As any voter may become a candidate for the office of precinct committeeman, and as the elections are made by the voters themselves, it is obvious that the entire party machine is subject to the control of the party electorate. The extent to which the party organization is subject to popular control is shown by the following table. Unfortunately the only statistics available are for Marion county, but they are known to be typical of other counties in the state, as the party managers are frequently obliged to draft voters to run in the primary for the office of precinct committeeman:

CONTESTS FOR OFFICE OF PRECINCT COMMITTEEMAN IN MARION COUNTY

Republican				Year	Democratic		
Number of Precincts	Number Having No Candidates	Number Having One Candidate	Number Having Two or More Candidates		Number Having No Candidates	Number Having One Candidate	Number Having Two or More Candidates
158	..	83	75	1916	..	131	27
163	4	104	55	1918	15	141	7
177	..	82	95	1920	..	94	83

An inspection of the foregoing table discloses that in every year but 1920, and in that year for the Republican party only, an overwhelming majority of the members of the county committee were elected without opposition.

Apparently, there is a more vigorous contest for the office of delegate to the state convention, but even there many of the positions go uncontested.

Frequently, where there are two or more candidates for an office, both or all of them are equally acceptable to the party managers, and the organization is sure to win whoever is chosen. Where there are candidates who are unacceptable to the managers, a slate is prepared containing only the names of those candidates whom the managers approve. It is a matter of common knowledge that these slates are rarely broken.

SECOND CHOICE LITTLE USED

As originally passed in 1915, the Indiana primary election law permitted any voter to vote for one candidate for any office as his first choice, and a second candidate for the same office as his second choice. It is obvious that a second choice provision is rendered inoperative if there are fewer than three candidates for the same office in the same party, and it accomplishes nothing unless a rather large per cent of the electors vote their second choice convictions. In 1916 there were 261 candidates to be nominated by the three major parties[1] for 87 offices.[2] Excluding those offices for which one or more of the three major parties had no candidate,[3] or only one candidate[4] or only two candidates[5] and in which cases the right of a second choice could not be exercised, there were only 35 contests[6] in which the voters could or did indicate a second choice. Of these 35 contests, there were 11 in which the leading candidate had a clear majority of all votes cast[7] in the remaining 24 contests, the second choice votes were distributed as directed by law, but the distribution so made did not affect the final result in a single case. In 9 cases the leading candidate suffered a loss of votes,[8] aggregating 322, and ranging from 2 to 101; in 15 cases the leading candidate gained votes,[9] aggregating 1,485, and ranging from 3 to 708. The total vote added to or deducted from the vote of the leading candidate was 1,807, an average of only 75 votes per candidate. Out of 664,559 opportunities to exercise the right of second choice, it was used only 155,123 times or in 23 per cent of the contests;[10] in two cases only 4 per cent of the voters indicated their second choice, and in 5 cases there were over 40 per cent. The right of second choice was exercised with equal frequency in the case of state or local candidates.

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[1] The Progressive party was still under the provisions of the primary law in 1916.

[2] One candidate for president, one for vice-president, one for United States senator, one for governor, 13 for congress, 15 for joint state senator, 28 for joint state representative, 5 for circuit judge and 22 for prosecuting attorney. Unfortunately, the returns for local officers are not available.

[3] None in the Democratic party, one in the Republican party and 34 in the Progressive party.

[4] Thirty-five in the Democratic party, 41 in the Republican party and 47 in the Progressive party.

[5] Thirty-five in the Democratic party, 28 in the Republican party and 5 in the Progressive party.

[6] Seventeen each in the Democratic and Republican parties and one in the Progressive.

[7] Three in the Democratic party, 7 in the Republican and one in the Progressive.

[8] Six Democratic and 3 Republican candidates lost votes.

[9] Eight Democratic and 7 Republican candidates gained votes.

[10] In the Democratic party 20 per cent of the voters exercised the right of making a second choice, and in the Republican party 24 per cent and in the Progressive party 6 per cent.

THE WOMAN MIND ON POLITICS

BY MRS. BESSIE LEACH PRIDDY

Chairman of Civics Department, General Federation of Women's Clubs 1916–1920

I

In the early days of Christianity the church fathers held a meeting to decide whether women had souls or not, and somewhere on the coast of Scotland they tell me there stands a lonely marker reciting the tale that there are buried three souls and two women, lost by shipwreck. In somewhat the same spirit to-day it may be presumed political journals propound the query, "And what do you judge the woman mind on politics to be in this presidential year of 1920?" Whether the question is prompted by curiosity or by contrition, by contempt or by courtesy, answer, at least, by the very insistence of the call, seems to be desired. A short time ago the wife of the governor of a new suffrage state remarked that she was simply having the time of her life, that meeting after meeting in her husband's library had but one ending, one refrain—"We can depend upon what the men will do in this corner of the state, and that district can certainly be delivered, and we always control this area, but, O Lord, who can tell what those d——d women are going to do?"

Of course, it is probably useless to remark that all this is really borrowing a question, and that before such queries, paraphrasing Shylock, women are tempted to exclaim, "Hath not a woman eyes? Hath not a woman hands, organs, dimensions, senses, affections, passions; fed with the same food, hurt with the same weapons, subject to the same diseases, healed by the same means, warmed and cooled by the same winter and summer as a man is?" Seriously though, although the woman mind under the same conditions would probably react about the same as the man mind, because her conditions have been, are and probably always will be vastly different, her mind on things politic is apt to have its own peculiar view-point and bent. This is the reason she must be allowed to express it.

Woman's suffrage in local and state areas has now existed long enough so that we can say, without fear of contradiction, that up to date women as a group, wherever they have been enfranchised, have cared little for office or the power of party patronage and that they have shown themselves keenly interested in questions and issues rather than deeply attached to parties and persons. On this ground alone their advent into politics would cause moments of doubt and anxiety in the minds of time-seasoned politicians.

In matters of local government they have shown themselves interested in questions of sanitation, housing, food supply, improvement of physical environment, home conditions, social morality and education. States have found their women electorates eager for justice to the delinquent and defective classes, inclined to present legislation on all social evils, demanding liberal support for education, elementary, special and higher, jealous guardians of the sanctity of the home and especially solicitious for the welfare of those needing society's protection, the propertyless laborer, the indigent, infirm and aged classes, the women, the children, and the immigrants. Such questions as commission form of government, city manager, city planning, municipal ownership, public utility franchises, bonding for public improvements, school issues and prohibition have called forth a heavy woman vote.

II

After the war-time organization work in all countries no one could, of course, have the effrontery to argue, not even certain senators and governors, that women are not interested in public affairs. In view of women's achievements in municipal and state politics and in war work, many are now admitting that on some things, at least, women are apt to have a mind and register it. They asked them to register it in 1920.

Although one should not presume to speak for all of a class, yet so far as the writer has known women, women of all walks in life, home-makers, business women, laboring women, society women, teachers, lawyers, doctors, journalists, social workers, members of clubs, and of learned, patriotic and philanthropic societies, urban and rural residents, rich and poor, old and young —everywhere and on all sides the reactions from the Chicago and San Francisco conventions were surprise, chagrin, disgust.

Before the conventions were held, there was a surprising unanimity of woman sentiment for Herbert C. Hoover for president. Out of twenty-six women taking a straw ballot one evening, Republicans and Democrats accidentally grouped together, twenty-four were for Hoover, one voted for Edwards as a joke and one marked her ballot with a question mark as undecided as yet. Some women were for McAdoo, many were devoted to Wilson and thought him another martyred president. Some women inclined to Wood, some felt that they could vote for Lowden, a few followed Johnson, usually not on his policy on foreign affairs, but in spite of it and because they admired his courage and his progressivism in domestic policies. A few knew of and admired Ambassador Davis. When the nominations were made women quite generally resented the fact that unheralded candidates were chosen and understood rather less than the men did how political exigencies could bring such a situation about.

Women pretty generally were for the League of Nations or for the League with reservations. They rarely presumed to know the answer to the labor-capital-public riddle, but they felt sure their elder brothers, the professed fountains of all political wisdom, must surely discover it and they at least wanted to see them try for it. On the liquor question it goes without saying where most women stood. Once man laughed at the little white ribbon on a woman's breast, but to-day a nation's majority has vindicated the wisdom of the temperance crusade.

So, in short, woman looked upon these three L's, the League, Labor and Liquor, as the planks that would make or mar a party's platform for her. She asked the oracles of party conventions for an answer. A sphinx would have spoken as well. The unsophisticated female voter heard that the world was full of such problems as no age had seen; she waited for a leader. Grave issues troubled her and she hoped for solutions she might take or leave. The oracles spoke inanities, they seemed to bring forth mediocrities, they uttered evasions, and the woman voter, at least, was confused, uncertain, disheartened. We were in the exaltation of a dynamic period of history. We had put into the great war crisis the best that was in us, all of us, men and women, boys and girls. Personal courage, patriotism, altruism, idealism, self-sacrifice, we had sent them all over in the hearts of the boys now sleeping under the poppies on Flanders Field. From such a seed time we were expecting a harvest of a glorious reconstruction era. True, things had not looked so very promising for some time but some way one could not believe that all the glory of that vision could be lost. The partisan bickering and strife, the personal pride and prejudice seemed too petty a thing to prevail, too paltry a thing to endure, and the woman voter was young, and hopeful and, shall we say it, unspoiled, and she was sure that in the end the right would prevail, or at least that one party would see the light and follow it.

The campaign press often wearied the woman voter. Such a eulogy as "As a Republican, as a senator and last but not least as a golf partner, I have found Senator Harding to be a capable, honest and fearless man," did not impress her and newspaper headlines like "Harding made bow to public at age of three," "Harding likes cake but mammy says he must now be fed on wattahmillion pie," and "Mrs. Harding cannot cook but she is delightful hostess, sister-in-law says," did not win female votes. After the party nominations were made and the platforms enunciated, the woman voter was puzzled and hesitant but gradually as the campaign wore on she came to a decision and not withstanding preceding prophecies it is to be perceived that she voted. Strangely enough too, although favoring a League of Nations by a large majority, she voted Republican and this was the philosophy that guided her; that the nation above all other things needed a steady, a sure, a tried hand on its business affairs and that the Republican party could provide this kind of ability: that while a League of Nations was something that certainly must be evolved, she was as likely to get it under the party of Taft, Root and Hughes, safe in a congressional control as she would be if she voted in four more years of partisan checkmating.

The woman voter was less bound by traditions of party loyalty than one would have supposed and yet her 1920 vote was cast as a result of her weighing one party record against the other in all lines of activity and then in her trusting to the good judgment of a party's best men to decide particular issues.

Women generally were pleased with both vice-presidential nominees and many of them were keen examiners of the type of men conducting campaigns, advising candidates and in line for important presidential appointments. The Republican nominee probably won many feminine votes by the type of campaign he conducted and his post-election conferences with men of all shades of opinion have strengthened greatly his hold upon the woman voter, for as yet the woman-mind is centered on problem rather than on party, on the welfare of the people rather than on party patronage.

The woman mind is merely a section of the human mind, perceiving sometimes slowly and sometimes suddenly the forces that determine our decisions. Just now like others she is seeing why we have no clear cut constructive policies in present programs of action.

We are on the swing of the pendulum, from altruism back to individualism, from idealism to materialism but our hope is in the next swing of the pendulum. After every great period of excitation, people have experienced reaction and depression. Nevertheless, the elevation gained in dynamic times is never entirely lost in the return to more static conditions. After the Napoleonic wars all Europe experienced a wave of conservatism and reaction that was most disheartening, and yet England emerged from a Castlereagh and a Wellington through a Canning to a Grey and the Reform Act of 1832. Leaders can only be supported on the shoulders of the masses and in periods when the public mind is confused, uncertain and groping as at present, refuge is always taken in ambiguous political phraseology and dark horse candidates. In 1836 the Whigs could make no platform; and in 1840 they had to talk the national bank in one area and the tariff in another, and internal improvements in another, and keep a deep silence in each area as to the other issues aired elsewhere. From 1844 to 1856, during the terrible days of the slavery issue, we were devoted to dark horses and ambiguous and innocuous political party platforms. We can trace the gradual formation of opinions, convictions and policies in the mind of the great Lincoln himself if we study his career from 1846 to 1861. The woman mind is now earnestly studying present problems and watching for leaders decisions.

III

But there are two or three things that the woman mind is observing, things a politician ought to observe, too. In the first place, although we are probably sure to abide by the two-party system of government, that nevertheless occasionally a party dies, either through loss of public confidence or failure to take a position on vital issues; that third party movements are most numerous and rampant when the main parties neglect to consider or pronounce upon some vital issue; that ultra conservative parties are the ones that usually die while, on the other side, ultra progressive ones split into factions. Parties may degenerate into machines for getting one set of fellows out of office and the other set in, but no earthly power can keep these machines living forces. Such parties are inevitably bound for the scrap heap and ultimate reorganization. Dead issues cannot continue to vitalize party groups. Parties that derive their meaning from the past and miss the appeal of the present offer little attraction to newcomers. Sectional biases under party government are to be deplored, not revived and encouraged for party purposes. One wonders sometimes if our party system can ever right itself under the fetishes of the old antebellum party nomenclature. With an old guard, stand pat, Bourbon, Tammany-type element in each party, a minority madly clinging to the saddle and, sometimes, it would seem driving the beast to its death, with a majority in each who are semi-independent and rebellious, yet smothered progressives, and with a South by tradition unable to vote a ticket bearing a certain name no matter what it thinks, the only logical thing to do would be to change our nomenclature and line up according to our political beliefs. But the spell of party name is too strong upon us. We have voted in America too long for party and for men and not for measures, and men voters are accustomed to that way of thinking but women voters are now keen about measures. It would be well for us Americans to remember too that government is a living, growing institution and that new conditions will always demand new adaptations.

The woman mind perceives also quite clearly that parties and governments must be readjusted from within. She knows too that although she has or is to have the vote that she is not in yet. She has been observing and thinking for some time from without. With nothing to lose and little to gain, she speaks her political mind freely. When once in, who can say how the miasma of politics shall dim her perception and dull her reactions? It is safe to predict however that her choice of party will be affected little if any by flattery, cajolery or specious claims of advocacy of the suffrage cause.

The woman mind is as yet somewhat academic so far as politics are concerned. Although she has taught practically all the male minds of the United States their first steps in history and civics, nevertheless her own knowledge of these things has been little supplemented by actual practices. She is rather innocent as yet and somewhat gullible; for instance, in spite of what she sees, she is liable to believe what the books say, that political parties are groups of people organized to influence government policies, that a democracy is a government that rests on the will of the people, and that a republic is a representative democracy whose chief executive is a president. Books and life are sometimes different.

One would naturally think that women would be highly conservative but the expressed woman mind is now decidedly inclined to liberalism with even a dangerous little turn here and there to radicalism. This is only consistent with her conditions. She has belonged a long time to the "*have nots*." The "have nots" are always somewhat radical; they must be or why oppose "*the haves?*" But liberalism leaks at the top, they say in old England, and doubtless in the end one will find the women voters divided into about the same proportion of conservative and liberal thinkers as one finds among the men. To say that one is liberal or conservative in America, however, has as yet meant little. One is not permitted to express such petty things by vote over here. Here both parties stand for "*progress*" in their speeches and both have sometimes seemed to be chiefly occupied in saying their prayers to their ancestors. In America you vote for your party or you get nothing; you work for party and become a "deserving Democrat," etc. It is not necessary to have opinions. This is the part of politics not yet comprehended by many women.

And then, finally, the woman mind does not entirely escape sex coloring. As a citizen, she will have the same cares, the same anxieties, the same burdens, the same compensations that she has carried as a wife, a mother, a sister, or a daughter. Her duties to her dependents, the welfare of her loved ones, her responsibility to her kind will always be with her. These human relationships have endowed her with a wealth of sympathy and with a capacity for self-sacrifice. For this reason alone, her contribution to the body politic will have a character all its own.

At present the woman mind is much occupied with certain things that brought her into politics. The woman mind, for instance, desires political freedom and justice for all women and she will not be content with some of the camouflage that has been offered up to date. The woman mind desires industrial justice, for instance, equal wage for equal service. Woman is tired of the exploitation of her kind, of twice the work sometimes for one-half or one-third the pay. The woman mind desires a democracy that offers equal opportunity to all, male or female. The woman mind feels that maternity and infant life is worthy of a nation's care. She is particularly adverse to child labor. Conservation of natural resources appeals to a woman's instincts and she resents profiteering and cornering of the necessities of life. Woman considers health and public works and education fit subjects for great national executive departments and lastly women long for international peace and consider it a goal of civilization in keeping with the truest Americanism. It is for the lack of these things in America's program to-day that the woman voter is now clad in sackcloth and ashes; no matter what her party be, it is for the hope of these things that she turns her mind to politics. The woman mind sees two allies with whom she could work out her ideals—the man in seclusion whose courage has failed him because the cards seemed forever stacked, the boys who came back eager for the battles of reconstruction. What could not these three achieve together? Shall we always sit supinely back and let political tricksters thrive and prosper while a darker world day hangs on the horizon, or shall we arise and claim our birthrights, a voice that is to be heard in this government once projected to be by the people, of the people and for the people.

THE FATE OF THE FIVE-CENT FARE

XIII. PHILADELPHIA SUCCUMBS

BY EDMUND STIRLING AND MORRIS LLEWELLYN COOKE

An operating company, burdened by unconscionable rentals and fixed charges, surviving the war on the five-cent fare; the fare raised last November over the protest of a manager faithful to the old rate; opposition between management and financial control—these are some of the reasons why the story of the Philadelphia Rapid Transit is extraordinary. :: :: :: :: :: :: :: ::

THE Philadelphia street railroad situation is altogether up in the air. The recent increase in fare from five to seven cents or four tickets for a quarter must be considered simply as a "stop-gap" to hold the situation until a valuation of the property now under way can be completed. Nothing has been finally settled. But except for the single item of the valuation the stage seems set for a decision which will bring to an end a generation of remedies which have proved more troublesome than the ills they sought to cure.

The Philadelphia Rapid Transit Company is an operating company solely, possessing no franchise as a street railway and obliged whenever occasion arises for the extension of tracks, etc., to employ the franchises of its leased properties or to organize and charter a new company for the purpose. This imposes upon it the necessity of maintaining, on paper, a separate corporate organization for scores of companies, involving expense and a complicated procedure, and, in the case of some of the older companies, a serious obstacle to efficiency.

THE P. R. T. INHERITS HEAVY BURDENS

There is good reason to believe that when the Philadelphia Rapid Transit was formed in 1903 to take over the Union Traction it was not seriously contemplated or intended that it would be successful. The Union Traction, being the outcome, indirectly, of the shameful franchise steal of that year, by which a coterie of politicians obtained from the state and city authority to build a whole series of elevated lines, was confronted with a situation so impossible that the burden was shifted to a new company which in turn was required for its own protection to buy the stolen franchises at a price said to have exceeded $1,500,000. It will be recalled that John Wanamaker tendered the city $2,500,000 for these franchises but his check in payment was contemptuously rejected by Mayor Samuel H. Ashbridge. Not one of these franchises was ever utilized. All were allowed to lapse as part of a subsequent bargain with the city by which the Philadelphia Rapid Transit was relieved from certain oppressive obligations. By the lease of the Union Traction, the shareholders of the latter were guaranteed a 6 per cent dividend on the par of their stock ($50) although only $17.50 had been paid in, and it was soon evident that the Philadelphia Rapid Transit could not carry the burden and at the same time keep its service abreast of the demands and fulfill its own and the underlying companies' charter obligations.

In 1907, facing a still more serious situation owing to the expiration of the paving guarantees given by the contractors and confronted with the prospect of the enormous cost that would be entailed when the company would be required to repair and maintain the street pavements itself, an adroit scheme was devised to secure relief from the city. The assistance of a group of retail merchants was invoked, by an appeal to their self-interest in an efficient street railway service, and upon the representation that the company's credit would be restored and thereby enabled to make the improvements and extensions even then imperatively demanded by the growth of the city, the "contract of 1907" was devised and the consent of the mayor and councils obtained. By this contract the company was relieved of the maintenance of the paving on the streets occupied by its tracks, of the annual license charge on the cars operated, and the ordinance of 1857 which expressly gave the city the right to take over the property of the street railways upon payment of their cost was repealed. In lieu of the specific services required of the company a lump-sum payment was substituted, a sum which was soon found to be far less than was needed to perform the service, and all that the city got was the promise of half the net surplus after operating expenses, fixed charges (including the 17 per cent to Union Traction and rentals reaching in some cases to from 40 to 70 per cent on the paid-in capital of underlying companies), and 6 per cent cumulative to the Philadelphia Rapid Transit shareholders! Needless to say, the city has never received a cent, and the shareholders of the Philadelphia Rapid Transit got no dividends at all until within the last three or four years. Arrears approximating $14,500,000 will have to be paid Philadelphia Rapid Transit stock holders before the city can begin to participate.

A further stipulation of this 1907 agreement provided that the company could not change the "existing rate of fare" without the consent of the city. The subsequent creation of the public service commission has deprived—or is likely to deprive—the city of its only material consideration for agreeing to this contract.

In 1910, the situation of the Philadelphia Rapid Transit was again so desperate that the intervention of E. T. Stotesbury and the Drexel banking interests were invoked, and Mr. Stotesbury took charge of the property, through a voting trust, and under conditions that were to ensure a better method of financing and material increase in the facilities and services of the company. Additional capital was secured, the Philadelphia Rapid Transit shareholders being required to pay up the full amount of their stock, and council's consent to a $10,000,000 bond issue was secured. This resulted in a marked improvement in operating conditions, new cars were purchased, and Thomas E. Mitten, who was brought from Chicago to manage the property, established relations of co-operation and confidence with the employes which have been conspicuously successful.

HIGH SPEED LINES PROJECTED

In 1912, there being no prospect even under the improved management of any extensions of lines, a movement was set on foot by Mayor Blankenburg, the city's reform executive, to plan a system of high speed lines to be built by the city and operated under lease by the Philadelphia Rapid Transit. An expert study of the situation was made, solely from the viewpoint of the public needs, legislative authority to enter upon a program of construction was secured, and a new department of the city government was created to carry on the plans. To this movement, the management of the Philadelphia Rapid Transit was luke-warm, offering little co-operation and at times even obstruction. It was only after long delay and persistent effort that a tentative acceptance of the principle of the city's plans was secured from the Philadelphia Rapid Transit directors, but all efforts to pin the company down to a definite agreement on the terms of a lease were futile. Nevertheless the city went ahead with its program, and at a popular election in 1915 loans aggregating about $70,000,000 were authorized by the voters for the construction of subways and elevated lines. The work was actually begun on an elevated line to Frankford and on the Broad street subway, when the war intervened and the major part of the construction work had to be abandoned.

Meanwhile the negotiations with the Philadelphia Rapid Transit for a lease of the city's high speed system when and as completed went on, and late in 1916 announcement was made of an agreement between the Philadelphia Rapid Transit and the then director of city transit upon the terms of a lease which in some respects was so directly at variance with the position hitherto maintained by the director that it was rejected in June of the following year as being unduly favorable to the Philadelphia Rapid Transit. The new director of city transit was instructed to negotiate with the company for a new lease fair alike to the company and the city. After prolonged study and many conferences a new agreement was reached in August, 1917, by which the city was to have had a certain supervision over the street railway service, the fare was to be made flexible to meet the cost of service and a 5 per cent dividend to the Philadelphia Rapid Transit. This lease, after exhaustive debate in councils was amended and adopted in February, 1918, but the state public service commission after deliberating upon it for nearly an entire year rejected it, January, 1919, principally on the ground that their approval would be in effect an approval of the iniquitous contract of 1907, because the rate-making provisions were not based on the value of the property used and useful in the public service, and because the measure of supervision given the city by the terms of the lease was regarded as an invasion of the rights and jurisdiction of the commission.

Meanwhile the inadequacy of the facilities of the Philadelphia Rapid Transit has grown more and more acute. Mr. Mitten, for the Philadelphia Rapid Transit anticipating serious congestion during the winter of 1920–21, has made many appeals for the expedition of the work on the Frankford elevated as the first and most urgently needed unit in the city's system. But there has yet to be formulated an agreement as to the conditions under which the line shall be operated. Mr. Mitten has said that the company will pay a rental sufficient to meet the city's carrying charges on the construction costs of the line, but that it is unable to provide rolling stock or even to find the money for the electrical stations which are an essential part of the power system! The city, not knowing, under these circumstances, whether the line is to be operated by the Philadelphia Rapid Transit or by the city itself or by another lessee, has been seriously handicapped in making contracts for cars, and for the physical connection of the Frankford line with the Market street subway and elevated system of which the former is primarily designed to be operated as a part.

THE FIVE-CENT FARE THROUGHOUT THE WAR

During the entire period of the War the Philadelphia Rapid Transit managed to maintain the five-cent fare, by efficient operating methods, by continued harmony and co-operation among its employes, and by keeping maintenance costs down to the utmost limit. This policy won for Mr. Mitten the enmity of street railway interests throughout the country which found in it an obstacle to their own plans for increased fares. Mr. Mitten recognizes considerable psychological importance attaching to the nickel in the minds of car-riders. If he had his way adjustments in rate schedules would probably never involve breaking the five-cent piece into pennies. He most certainly recognized that an increased fare in Philadelphia might sooner or later become inevitable, but his policy was to postpone the evil day as long as possible. Confronted by a rapidly increasing deficit, Mr. Mitten in June, 1920, filed with the public service commission a new schedule of fares calling for a straight five-cent fare, the abolition of free transfers, and the limitations of the eight-cent exchange tickets to the territory outside the central "delivery district." In taking this course he acted contrary to the letter of the provision of the contract of 1907 which stipulated that the rates of fare could only be changed with the consent of both the company and the city. This aroused resentment and the city opposed the new schedule, partly on this ground. The commission held up the change, not by a formal order refusing consent, but by a request to the company which request was complied with. Meanwhile, the commission ordered a valuation of the Philadelphia Rapid Transit properties upon which it might reach a final decision as to fares and the return to which the security holders might be justly entitled. That valuation is now in progress.

In September the Philadelphia Rapid Transit management accommodated itself to what appeared to be a change on the part of the city and applied to the city under the provisions of the contract of 1907, for consent to the abolition of all free transfers and of the three-cent charge for exchange tickets. The company's former application to the commission was justified by the refusal of the city councils, in May, 1918, to give its consent to a six-cent fare, the reason given being that the commission had sole jurisdiction! In turning again to the city the company's purpose was to strengthen its plea to the commission for relief, but it failed in this because after protracted hearings before a committee of the council and a spectacular campaign of publicity undertaken by the Philadelphia Rapid Transit management and men, the problem was passed back to the state commission. But the needs of the company became so desperate, and the danger of a strike of the carmen to back up the demands of the company became so acute, that the company filed, later in September, a new appeal to the commission asking permission to collect the flat five-cent fare on one day's notice. It had previously resorted to the unusual course of asking the public to refrain from asking for transfers or exchanges! Some overzealous conductors and motormen adopted coercive measures and many passengers paid the extra fare under protest.

STRAIGHT FIVE-CENT PROPOSAL REJECTED BY COMMISSION

The public service commission took the matter under consideration, held a special session in Philadelphia to hear the views of the councilmen, and finally on October 19, 1920, filed an order fixing the fare at seven cents, requiring the sale of six tickets for twenty-five cents, and retaining the transfer and exchange ticket system. This decision, for which the company had not asked and which it did not want, occasioned much surprise and there were many rumors afloat as to external influences having been brought to bear upon the commission to control its action. That this situation may be understood, it is necessary to go back to the period of Mr. Mitten's initial application for the straight five-cent fare and the abolition of transfers, June 1, 1920. His action was taken on his own motion and without previous consultation with his directors. It soon developed that there was violent opposition to his policy on the part of Mr. Stotesbury and the banking interests in the board, who through their New York and other outside railway affiliations had no sympathy with Mr. Mitten's attitude toward the five-cent fare. The differences in the board culminated in the resignation of Mr. Stotesbury and other members and an open break in the previously intimate relations between Mr. Mitten and the Drexel-Morgan banking interests. It has been broadly intimated that these interests brought pressure to bear to compel the public service commission to over-rule Mr. Mitten's program and fix a rate of fare which in its judgment would give the company the immediate relief for which it was asking. Under the Mitten proposal the riders who used transfers (furnished free) and exchange tickets (sold for three cents) would have supplied all the increase in revenue. The other 80 per cent of the riders would have been no better off and no worse off than before. But from the politician's point of view less danger lies in adding two cents to the cost of every car rider than in adding either two cents or five cents to the fare of the 20 per cent who change cars to reach their destination. This being so it is probable that Mr. Mitten's proposal was never considered seriously on its merits. Certain it is that everyone who had an ulterior reason for wanting to raise the general rate of fare played up this argument against retaining the five-cent fare.

The new fare arrangement went into

effect on November 1 and was accepted by the public with almost no protest. It is too early to say whether there has been any noticeable falling off in the short-riding habit, about which Mr. Mitten had been solicitous. The increased revenue from the higher fare—notwithstanding the use of the four for a quarter tickets by perhaps 80 per cent of the riders—was greater than was generally expected. Whether it will be satisfactory to the company can only be determined after fuller trial.[1]

EMPLOYEES' REPRESENTATION

Public opinion in Philadelphia on the merits of the fare systems advocated by the Mitten and Stotesbury interests respectively is somewhat clouded by the pending differences between their principal protagonists. Mr. Mitten's theory in justification of his plan was that it would have reduced the number of transferring passengers thus relieving cars that could be transferred to lines where the congestion is greatest. On the other hand the plan finally adopted by the commission does distribute the increased fare burden on all riders and is therefore to that extent the most equitable. Nevertheless, there is widespread sympathy with Mr. Mitten, and the loyalty and support of the employes of the company, in its fight for larger revenues, has been a significant and most unusual manifestation of the success of the Mitten plan of employee co-operation. This plan involves consultation with freely elected representatives of the employes in all branches, on all matters relating to their particular work. In addition sick and death benefit and saving funds have been established with the full co-operation of the men, and the results are manifest in the relations of the carmen to the public.

Mr. Mitten's success in building up cordial relations between men and management constitutes a real contribution to American industrial relations. That he has been able to go so far in an industry which is very highly unionized is especially noteworthy. Two facts in this connection must claim our attention; first that Mr. Mitten is undoubtedly aided to some extent in the efficient operation of the property by the fact that his employes are non-union; and, second, that his plan might ultimately prove unworkable were it not for the fact that the industry is generally unionized since Philadelphia Rapid Transit rates of pay are based on the average paid in four unionized cities, *i.e.*, Buffalo, Detroit, Chicago and Cleveland. There

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[1] The new rates went into effect November 1, 1920. Just before Christmas the Philadelphia Railroad Transit Company filed the following statement with the public service commission showing operations for month of November, 1920, as contrasted with November, 1919:

Items	*1920 Passengers*	*1919 Passengers*
7-cent fares	7,574,216	......
6¼-cent tickets	47,508,209	......
5-cent fares	......	56,896,383
3-cent exchanges	4,058,961	4,643,731
Joint rate passengers foreign lines	856,173	620,879
Transfers	12,362,162	12,911,781
Frees	427,978	440,535
Totals	72,787,699	75,513,309

November Items	*1920 Revenue*	*1919 Revenue*
7-cent fares	$530,195.14	......
6¼-cent tickets	2,969,263.06	......
5-cent fares	......	$2,844,819.15
3-cent exchanges	121,768.83	139,311.93
Joint rate passengers foreign lines	35,270.46	19,541.04
Totals	$3,656,497.49	$3,003,672.12

Per cent increase over 1919 revenue, 21.73.

Per cent decrease over 1919 passengers, 3.61.

is food for thought here both for unionists and for those who oppose unions.

NO PERMANENT SETTLEMENT YET

The present fare increase, however, settles nothing as to the future of the company. If continued long enough it may be effective in restoring the credit of the Philadelphia Rapid Transit, now non-existent, but in the meantime the city is in imperative need of extensions of service which the Philadelphia Rapid Transit is utterly unable, according to its own statements, to give. What the outcome of the valuation may be, in relieving the company and the community from the extortionate and excessive rentals paid the underlying companies, no one can safely predict. For the present the rate increase will tide the company over immediate difficulties and enable it to keep its compact with its employes to increase wages, but whether it will put the Philadelphia Rapid Transit in a position to fulfil its obligation to the people, and to co-operate with the city in the operation of its high-speed system, are problematical. There are expert authorities on the transit situation who believe that only by the road of bankruptcy and reorganization with all the loss to the Philadelphia Rapid Transit stockholders and the delay, confusion and litigation attendant upon such a process, can Philadelphia hope to have a local transportation service commensurate with its needs. The public is willing to pay a fair rate for the service, but there is unalterable opposition to an indefinite continuation of a situation where so large a proportion of the gross revenues from the riders goes into the pockets of the owners of dead companies and to pay for equipment long since scrapped and useless.

A feature of inherent interest and importance in the Philadelphia Rapid Transit situation is the personality of Thomas E. Mitten. He is a man of marked ability, great force and unusual resourcefulness. Judging by that part of his career since his arrival in Philadelphia he stands out among utility men in his appreciation of the value of public opinion. It has been stated on good authority that he has an ambition to work out relations with the public as generally satisfactory as those which he now enjoys with the company's employes. If the obstacle of the exorbitant rentals paid to the underlying companies could be removed one would be tempted to hazard the guess that he might succeed in this ambition. Mr. Mitten is neither an ascetic nor mysterious. He is an astute planner, hits hard and believes that it is in the interest both of the public and the employes that he should consider his stockholders as his first concern. For this he does not apologize. He apparently works on the theory that his stockholders' interest cannot be pursued without a regard for the interests both of the public and the employes. On the other hand his type of mind turns more enthusiastically to schemes for effective operation of his property than to financing. He is one of a very few street railway managers who consider that we are only at the beginning of knowing how to provide cheap and otherwise effective street railway service. It is quite generally conceded that in view of the many and serious handicaps which burden the Philadelphia Rapid Transit Mr. Mitten gives a service which is businesslike and effective.

Perhaps the best feature of our situation is that the basic facts have not only been pretty well developed but are pretty well understood by the people generally. For this condition which is almost unique in American cities we have the first director of city transit, Mr. A. Merritt Taylor, and his successor, Mr. W. S. Twining, very largely to thank. At least it can be said we are not moving in the dark. No perfect solution can be expected to grow out of a history in which venality and uncompetence have played such conspicuous rôles. But a final adjustment of Philadelphia's street railroad problem is apparently at hand. From present indications the contending interests will be dealt with in a spirit of fairness, but at the same time some wrongs are going to be righted in the process.

CITY-MANAGER MOVEMENT

PROGRESS OF THE CITY-MANAGER PLAN IN ONE HUNDRED EIGHTY-FIVE CITIES

BY HARRISON GRAY OTIS

VII. REPORTS FROM MANAGERS IN THE PRAIRIE STATES

(Continued from the January, 1921, Review)

IOWA

Iowa has at the present time twelve cities operating under or pledged to the city-manager plan. Only two of these, Dubuque and Webster City, have adopted commission-manager charters. The others have created the position of manager by ordinance in accordance with state law authorizing such action.

Labor Backs Manager Plan

Dubuque. Population, 39,141. Commission-manager plan adopted January 26, 1920. The council of five took office on April 12, and the first manager, Ossian E. Carr, assumed duties June 1, 1920; salary $8,400.

The city-manager plan in Dubuque was originally advocated largely by labor organizations, and the election was carried chiefly through their efforts. Of the five councilmen, two are acknowledged labor leaders. The new administration is strongly supported by both labor and business interests.

The outgoing administration left the city with accounts badly overdrawn. Nearly $100,000 of current funds had been spent in advance in addition to an inherited floating debt of some $250,000. The state auditor reported $550,000 in delinquent taxes on the city books. Manifestly the first things to be done were to curtail expenses and collect delinquent taxes. Within two weeks the city payroll had been reduced by $2,500 a month. In view of the local aversion to buying tax titles, upon the suggestion of one of the councilmen, a company was formed with an authorized capital of $300,000 for the purpose of buying tax titles at the annual tax sale. Through publicity as to what was being planned, $150,000 in back taxes were paid into the treasury immediately preceding the December tax sale. It is estimated that the first two years under the new plan will be devoted chiefly to straightening out municipal finances, after which time due attention will be paid to installing needed improvements.

As an indication of business methods, the dog licenses collected amounted to $2,200 as compared to $47 in 1919. Unused material and equipment to the amount of $2,000 has been sold. An old fire hall has been converted into a municipal garage. The highway equipment is being motorized, and a modern steam-heating plant has been installed in the city hall. Some 2,500 yards of bituminous macadam have been laid by city forces at $1.20 a square yard.

The three local newspapers and apparently a large majority of citizens are solidly behind the new form of government.

Mr. Carr is a municipal engineer, and is now holding his fourth position as city manager, having previously served at Cadillac, Michigan, Niagara Falls, New York, and Springfield, Ohio.

Average Saving of $36,000 a Year

Webster City. Population, 5,657. Commission-manager charter effective October, 1916. G. J. Long, the second manager, was appointed April, 1917; salary $2,400.

Webster City went through the war period with an electric light rate of 6c. per k. w. h. for residence consumers. The light plant has been equipped with a new 350 h. p. boiler and a 1,000 h. p. turbine is to be added.

The paving programme includes four miles of construction.

It is worthy of note that Webster City has saved an average of $36,000 a year since adopting the manager plan.

Mr. Long is 36 years old, a graduate engineer and experienced in municipal work.

Spotlight Shifted from Purse to Person

Clarinda. Population, 4,511. Manager plan by ordinance April, 1913. Henry Traxler, the second manager, was appointed May, 1919; salary $2,700.

Just prior to Mr. Traxler's appointment, the electors had "thrown out of office the so-called business type of council backed by the commercial club."

The new manager writes: "We at once undertook to bring together the two opposing factions, 'the business men and the others' through a plea for community spirit. With a few well-placed social 'get together' functions we have been able to build a real community club, and have run the membership from 180 to 1,000. We got them all in and interested and have plans to keep them interested. Anyone having any experience with small town factions knows that the farmer and the city man seldom hitch. It is our hope to put them into the same harness. We have made a good start."

Streets, lawns and private yards are kept clean in every way. "So much so that 'there ain't no such thing' as a back yard in Clarinda—they are all front yards."

The city has issued $20,000 worth of bonds which will be used in buying up some unsightly places and converting them into parks and playgrounds.

The city owns and operates the only theatre in town and offers many fine attractions. A public dance hall is also under the supervision of the city.

During the past year contracts have been let for construction of an entirely new waterworks plant. It will be placed in operation April 1, 1920, and has a capacity of 1,200,000 gallons every day.

A modern light franchise has been engineered through, insuring fairness to both public and operator.

Mr. Traxler is 32 years old, a graduate civil engineer experienced in municipal work.

Mt. Pleasant. Population, 4,170. Manager plan by ordinance April, 1916. T. W. McMillan, manager; salary $1,800.

The manager plan was adopted just after the completion of an improvement programme covering a period of 10 years; hence, no heavy work was required during the war years. This past year, however, the city contracted for a new unit that doubled the capacity of the light plant and extended the water and sewer systems.

Mr. McMillan is 45 years old, trained in public utilities, and serves as superintendent of the Mt. Pleasant electric light and waterworks.

Cash Balance Equals $10 Per Capita

Iowa Falls. Population, 4,000. Manager plan by ordinance May, 1914. J. O. Gregg, the second manager, was appointed May, 1917; salary $1,800.

Mr. Gregg reports:

> With the increased cost of everything, we have paid $7,500 this year on outstanding bonds issued in former years, and will complete the year with a cash balance in the city treasury of over $40,000, which practically offsets all outstanding indebtedness of all kinds of the city, this with a reduction in the tax levy.
>
> While no extensive improvements have been made during the past year, we have put in additional water mains, have let contract for the drilling of a new well, and will in the very near future let contract for the equipment of same, have constructed several hundred feet of cement sidewalks and have put over two thousand loads of cinders on the unpaved streets and highways.
>
> We are now making arrangements for a camping park for tourists who happen to come this way via auto. This city being situated on three trunk line auto trails, we want to take care of the tourists.

Mr. Gregg is 51 years old and served as city clerk prior to his appointment as manager.

People Support Plan

Anamosa. Population, 3,000. Position of manager created by ordinance May, 1919. W. F. Hathaway, who formerly held the triple position of city clerk, water commissioner and city marshal, manager; salary $1,800.

After a few months' trial of the new plan, the manager reported: "Already we have made the town look different, and are getting on a good business basis. Better yet, the people are with us almost to a man."

Mr. Hathaway is 37 years old, is experienced in public utilities and served in the army for years.

Shenandoah. Population, 5,750. On October 16, 1920, the city council agreed to employ a city manager as soon as a suitable man could be found.

Esterville. Population, 4,200. Manager plan by ordinance established May, 1919. F. G. Connelly, manager; salary $3,000.

Maquoketa. Population, 4,000. Manager plan by ordinance June, 1920. Guy O. Morse, manager; salary $2,400.

Manchester. Population, 3,160. Manager plan created by ordinance May, 1916. Thomas Wilson, the second manager, appointed May, 1917; salary $1,440.

Mr. Wilson is 64 years old and a surveyor. He served as city clerk and engineer before becoming manager.

Villisca. Population, 2,170. Manager plan by ordinance May, 1919. W. J. Oviatt, manager; salary $1,200.

Mr. Oviatt is 50 years old and ran a dairy before becoming manager.

West Liberty. Population, 2,000. Manager plan by ordinance April, 1920. C. J. Mackey, manager; salary $2,000.

ILLINOIS

Illinois has produced an interesting development of the manager idea, namely, the village manager in the residential suburbs of Chicago. The laws covering Illinois villages are such that while the position of manager is created by ordinance and elections are presumably partisan, there is a fair chance for the working out of the manager idea.

Co-operative Spirit Among Employes

WILMETTE. Population, 7,824. Position of village manager created by ordinance October, 1918. C. C. Schultz, the second manager, was appointed December, 1918; salary $2,100.

Mr. Schultz writes:

> The manager plan in Wilmette is working out very well, and as far as I know the plan is generally popular.
>
> The system has eliminated a lot of red tape in the manner of handling complaints. All complaints receive very prompt attention, a fact which has brought many compliments.
>
> The purchasing of all supplies, the collection of all money due from miscellaneous sources, in fact, all the business of the village is on a strictly business basis.
>
> We are in close touch with all our employes and are getting the very best service from all our departments. A fine spirit of co-operation exists among our departments, and all have the same object in view, namely, to give the best service possible to the public.

Mr. Schultz is 48 years old; trained in general business and village government.

Continued Progress at Winnetka

WINNETKA. Population, 5,115. Position of business manager created by ordinance January, 1915. H. L. Woolhiser, the second manager, was appointed May, 1917; salary $4,500. He reports:

> During the past year we have completed five miles of concrete pavements, so that 95 per cent of our streets in public use are paved.
>
> Our fire department, which was formerly merely a volunteer organization, under a part time fire marshal, is now in charge of an experienced chief, with two full-time firemen, in addition to the volunteer organization.
>
> We have installed an American-La France triple combination pumping engine, and are planning a number of other improvements during the coming year.
>
> An election to authorize a bond issue of $90,000 to provide a filtration plant was successfully carried, and plans and specifications for the improvement have been completed. Difficulty in acquiring the property desired for the site made it impossible to begin construction last year.
>
> A systematic survey of water waste has cut our distribution system losses in half and helped to offset the increased cost of coal, which has advanced from $2.15 per ton to $4.15 during the last three years.
>
> In spite of increases in operating costs, ranging from 25 per cent to 150 per cent, our water and electric light departments are still showing comfortable surpluses, with rates unchanged.
>
> All advertising signboards exceeding nine square feet in area have been eliminated from the village, under the theory that Winnetka is primarily a residential community where conspicuous advertising displays are manifestly inappropriate.
>
> We have made a real start toward carrying out the recommendations of the report of our plan commission, special assessment proceedings for a through truck traffic route having been instituted, negotiations being in progress toward acquiring the property for park areas around one of our railway stations.
>
> Under a recently enacted Illinois statute, empowering municipalities to establish restricted building districts, we have appointed a zoning commission, which is actively working on a zoning plan for Winnetka.

Mr. Woolhiser is 33 years old, a graduate electrical engineer, and trained in public utilities.

Lowest Per Capita Fire Loss in State

GLENCOE. Population, 3,295. Position of general manager created by ordinance January, 1914. H. H. Sherer, manager; salary, including that received as township highway commissioner, $5,000.

Achievements for 1919 are summarized as follows:

> Purchased site for community center and plans developed for improvement of site.
>
> Glencoe's plan commission has employed an architect who sits with the commission which now approves all plans having to do with the physical improvements in Glencoe.
>
> Glencoe divided into forty-five districts to secure aid in street maintenance from property

owners. Gratifying results. Purchase of ten ton roller made possible by this plan.

Township builds first mile of concrete road out of its own funds.

Township cut in half the former contract price of weed cutting with labor costs increased nearly 100 per cent.

Use of building on park property to house teachers of grammar school.

Pitometer test of water system made during year.

Secured county aid to extent of $12,000 on one of Glencoe's roads.

Increased athletic equipment at bathing beach by several hundred per cent.

Organization of groups of men who hold semi-monthly meetings to discuss Glencoe's problems.

Secured rating in January as city having lowest per capita fire loss in Illinois.

Have lived within our income for six successive years under manager plan.

Mr. Sherer is 37 years old, experienced in street construction and public works prior to his appointment. His salary has been increased five times.

KENILWORTH. Population, 1,400. Manager plan by ordinance of the village trustees, September, 1920. F. L. Streed, manager; salary $2,400.

MINNESOTA

Motorizing Fire Apparatus

ANOKA. Population, 4,287. Modified commission-manager charter effective April, 1914. Henry Lee, manager; salary $1,500.

Mr. Lee writes:

> We are still making improvements. We started a paving job late last fall amounting to $105,000, which is about one-half completed. We also expect to put all our electric light wires under ground through the business part of the city. We are calling for bids for two motor-driven fire apparatuses to replace our horse-drawn rigs, which will be open April 6. Have purchased about five acres of land located in the center of the city, which will eventually be used for park purposes. The commission-manager form of government seems to be satisfactory to the majority of people here.

Mr. Lee is 60 years old, and serves as city clerk in addition to his position as manager.

Break All Records for Improvements

PIPESTONE. Population, 3,500. Manager plan by ordinance May, 1917. V. H. Sprague, general superintendent, succeeded F. E. Cogswell, September, 1920; salary $3,000.

During 1919, although costs of material and labor practically doubled, Pipestone's tax levy remained practically stationary, yet "there never was a time in the history of the city that as many improvements have been made as during 1919."

These improvements include the investment of $78,250 in paving, $12,886 in sewers and $14,340 in water mains. In addition $4,000 was spent in repairs to the waterworks system and in installing fifteen new fire hydrants and twenty new water gates.

In Pipestone the manager is by no means the office boy of the city council, as he has had to personally promote much needed improvements and frequently present city matters to meetings of the business men's association and in the church. This was particularly true in urging improvement to the wage system.

When the new plan went into effect, the city sewer system was practically out of operation, and it was estimated it would take $20,000 to place it in working order. It has now been restored to first-class condition at practically no expense. The city has purchased a fully equipped triple combination fire pumper, has reduced fire hazards by condemning the old wooden buildings, until now all of the business section of the city is practically cleared of frame structures.

Traffic laws have been strictly enforced with the result that no one has been injured through a street accident, and the injuries to automobiles have been very slight.

Bootlegging, gambling and vice in general have been strenuously attacked and practically eliminated.

Civic spirit has increased with the city improvements.

The resigning manager wrote:

> The question of cleanliness and civic pride has received considerable attention, resulting in the general expression that we are the cleanest city in the state. This is more noticeable to strangers who knew the conditions three years ago when the city-manager plan was adopted. We were then the dirtiest city in the state. We have miles of well-kept twenty-five foot parkways on thirty foot paved streets, each property owner vying with his neighbor to keep it in the best shape.

A municipal skating rink has been established and is crowded daily.

A local paper writes: "The city superintendent plan has been in operation here for three years, and in that time has proved a big success from every view point."

Mr. Cogswell is 53 years old and spent some years in railroading prior to his appointment as manager. Mr. Sprague is a civil engineer.

Morris. Population, 3,500. Modified manager charter effective January, 1914. Frank J. Haight, the second manager, was appointed January, 1918; salary $1,800.

Mr. Haight is 34 years old and has had general business training. He is experienced in engineering and public utilities.

ARKANSAS

Hard Sledding for Bankrupt City

Hot Springs. Population, 18,000. Commission-manager charter effective April, 1917. A. G. Sullenberger, formerly city clerk, succeeded George R. Belding as manager January, 1921.

Mr. Belding writes: "I am frank to say that the plan has never had an opportunity to really show what it could do on account of lack of funds. Hot Springs formerly enjoyed a revenue from saloons, bawdy houses, gambling houses, etc. This revenue has all been swept away by the legislation enacted by the general assembly of the state."

The deficit for the year 1919 alone amounted to over $43,000. It is estimated, however, that the city will receive some $40,000 from the occupation tax recently authorized by the state.

The biggest achievement of the past year has been the securing of a first class water supply through arrangement with the Hot Springs Water Company.

The police and fire departments have shown marked efficiency this past year, and with limited facilities the street department has kept the streets "in better condition than in years."

Manager in Name Only

Monticello. Population, 3,500. Manager plan by ordinance June, 1918. A. M. Bell, the second manager, appointed January, 1920.

A recent letter from Monticello states: "The city manager plan, so called, here, is a mere joke. A few old-time councilmen interfere until you may consider the manager has no authority."

Bentonville. Population, 3,000. Position of manager created by ordinance September, 1915. J. C. Grimes, the second manager, was appointed May, 1920; salary $1,800.

Mr. Grimes' chief duties seem to be the management of municipal water and light plants.

SOUTH DAKOTA

Clark. Population, 1,335. Manager plan created by ordinance May, 1912. J. E. Smith, manager; salary $1,200.

DEPARTMENT OF PUBLICATIONS

I. BOOK REVIEWS

THE SCIENCE OF HIGHWAY TRAFFIC REGULATION, 1899–1920. By William Phelps Eno. New York, Brentanos, 1920. Pp. 99.

The problem of regulating traffic on city streets is to-day a more or less serious and vexatious one in practically all communities, at least all with population above 20,000. Mr. Eno, in this book, discusses the fundamental principles involved in the science of traffic regulation and makes timely suggestions in respect to their application to meet local conditions. The most illuminating sections of this volume are Parts I–VI inclusive. These comprise consideration of such matters as General Highway Traffic Regulation, Traffic Guide, The Rôle of the Police in Traffic, Special Highway Traffic Regulation, Safety and Other Restricted Zones. Mr. Eno states as a traffic axiom that "Familiarity by the public with the general highway traffic regulations is the key to effective and economical traffic management." This emphasis on the need for widespread education of the public in respect to the significance of traffic regulation is timely. The author could well have stressed equally the need for courageous prosecution of violation of traffic regulation. Somewhat too great emphasis is placed by the author, in forming conclusions, on conditions prevailing in New York, Paris and London. Obviously standards for those communities are not likely to be suitable for conditions in Oshkosh, Wis., or Houston, Texas. However, this tendency does not detract seriously from the real educational value of the book. It is a valuable contribution to a subject affecting the interests of every citizen. It could be read with advantage not only by the official responsible for regulating traffic, and the vehicle operator, but also by the public at large.

W. A. BASSETT.

New York Bureau of Municipal Research.

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TRAVELING PUBLICITY CAMPAIGNS: EDUCATIONAL TOURS OF RAILROAD TRAINS AND MOTOR VEHICLES. By Mary Swain Routzahn. New York, Russell Sage Foundation, Survey and Exhibit Series, 1920. Pp. 151.

This is a review of the numerous attempts made within the past few years to conduct publicity campaigns over wide territories by means of educational tours by rail and motor cars. The uses of trains and motor vehicles are contrasted and the advantages of each pointed out. Perhaps the most successful train is typified by the "Hessian Fly Special," which was sent through the wheat region of Kansas by the State Agricultural College in co-operation with the Sante Fe Railroad. Publicity agents were sent ahead to prepare audiences and addresses made at sixty-two stops. The success of the venture was attributed to the emphasis placed on the one message which it was necessary to get across—the seriousnesss of the infestation and what should be done to protect next year's crops—and also to the fact that all concerned worked together.

While a truck does not provide as much exhibit space as the train, it may go where and when it pleases independent of rails and schedules. It suggests possibilities that are yet untried, while demonstrating its practicality when used for clinics and public welfare agencies.

The purpose of such tours has been to "give information, to create interest in a new movement that is being launched, to revive interest that has become dull, or to serve as an attention-arresting feature of an intensive campaign that aims to produce some immediate results." There is danger of the novelty wearing off. Therefore if these ventures are to prove worthy of further extension care must be taken to prevent them from being spasmodic or unrelated. Definite results should be looked for and careful follow-up work planned and executed as part of the campaign. The aim of these educational campaigns should be to influence people to take definite action as a result of the tour. A general idea of the purposes, forms and extent of the traveling campaigns conducted in recent years is given in the appendix. The volume is admirably concise and should stimulate further development.

MARY FRANK.

New York Public Library.

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CHAOS AND ORDER IN INDUSTRY. By G. D. H. Cole. New York, Frederick A. Stokes Co., 1920. Pp. 292.

Mr. Cole is well known as a leading "intellectualist" of the English labor movement, and this book is part of his unceasing propaganda for guild socialism. It is not an account of national guilds, but "an attempt to apply guild socialist principles to the present economic situation."

"The present economic situation" (*i.e.* in England), of which the industrial disorders of the last year are a symptom, is pretty bad. It has virtually come to this, according to Cole, that the workers have lost all incentive to produce in a society based on profits. To avoid complete chaos, a new motive must be discovered, and guild socialism, with its motive of service, hopes to supply it. Guild socialism may be briefly stated as the establishment of industrial democracy by placing the administration of each industry in the hands of its organized workers, but eliminating profit by placing the ownership in the hands of the public. It stands for "national ownership and democratic control." It differs from state socialism by vesting *control* in the workers, and from syndicalism by vesting *ownership* in the hands of society. How to turn capitalistic industry into such a community of national guilds is the question treated in this book.

Like the syndicalist, Mr. Cole builds on the trade unions. The problem is one of transforming them into national guilds capable of industrial control; of enlarging their scope until they include all workers both by brain and by hand (as compared with financiers or rentiers), and of increasing their powers from control over wages and hours to the point of complete power over all industry. Having so stated the problem, Mr. Cole proceeds to consider the immediate steps to be taken in such industries as mining, railroads, shipbuilding, the engineering trades, the building trades, textiles, retailing, etc.

Stripped of its mass of interesting detail, his argument may be thus summarized: In industries *now* ripe for public ownership, such as mines and railroads, the trade unions should promptly agitate (as the miners are doing) for nationalization, and for such a plan as would transfer the administration to the miners themselves, with some representation for the consumers. In other trades, such as engineering and textiles, where nationalization is, for various reasons, not yet practical politics (or not needed, as in building trades, owing to small fixed capital), the unions should devote themselves to a tireless and unceasing "encroachment" on the powers commonly exercised by employers. This "encroaching control," which Mr. Cole considers almost the whole gospel for the bulk of workers, ought to secure to the unions three things: (1) the right of hiring and firing, (2) appointment of foremen, (3) collective contracts (as compared with collective bargaining) by which the union receives wages in a lump for output in the mass, and *itself* determines both wages and working hours of individuals.

Strictly, this book is advice addressed to English trade unionists; and while it is written in a lively style, and like all Cole's books, is stimulative reading, its appeal is bound to be local. Moreover, his method of addressing successive industries in turn inevitably involves a rather heavy burden of possibly tedious repetition. For readers unfamiliar with guild socialism perhaps this would be more of a help than a hindrance.

J. A. Estey.
Professor of Economics, Purdue University.

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The Young Citizen's Own Book. By Chelsea Curtis Fraser. New York, Thomas Y. Crowell Company, 1920. Pp. 314.

The schools are sadly in need of good text-books in government,—books which take the best thought available on political organization, treat it with the best available pedagogical solvents, and thus prepare it to be administered to the young people of our country. To prepare such books is as useful and patriotic a service and as real a contribution to the progress of mankind as any that can be offered. But the mere making of text-books is so far from a service that it is actually an injury to the community if the books do not conform to good standards. The labor of the school administrator is difficult enough; it should not be increased by adding to the number of second-rate texts which must be examined in order to be sure that good ones are not overlooked.

The author of the book before us tells us that this is a "text-book on national, state, city, and county affairs," but it is not suited to any of the present current movements for more efficient civic education. Its style is uneven. Some parts of it are addressed to very young pupils; and other parts, as illustrated by the following quotation, are suited only for the mature reader. "In the House the directing power seems unquestionably to be concentrated in the speaker, in the majority members of the Committee on Rules, and in the chairmen of the other important committees. The positive leadership of these men seems to be definitely recognized."

A text-book for young persons should be illustrated, but the pictures should contribute to the clearness and completeness of the discussion. In this volume there are eight pictures, three of which present the outside of buildings, two present the inside of rooms while not in use, and one is a bird's-eye view of the city of Washington. None of these serve to add to the effectiveness of the text of the book.

A text-book should lead the reader beyond a mere reading of the printed pages. This book seems to make no effort to stimulate such additional work and thought. It seems to have been written with the notion that the way to study government is to learn the contents of a book of facts. Such notions were held by some teachers twenty years ago, but they are no longer prevalent among leading civics teachers.

EDGAR DAWSON.

University of California.

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POLITICAL SYSTEMS IN TRANSITION. By Charles G. Fenwick. New York, The Century Co., 1920. Pp. 316.

Professor Fenwick's *Political Systems in Transition* is one of three works which inaugurate the Century New World Series, edited by Dr. W. F. Willoughby. The author of this volume has undertaken to trace the necessary changes in the governmental systems of the belligerent powers to fit them for the more complicated work of administration the war necessitated. In successive parts are treated, "The Political Ideals and Demands of the War," the "Changes Brought About by the War in the Political Institutions of European Countries," the "Changes in the Political Institutions of the United States," and "Problems of Reconstruction in the United States Raised by the War." The writer has not contented himself with a mere listing of the developments in the framework of government, but has discussed the significance of these movements with reference not only to their success in increasing the efficiency of the war machines, but also with reference to their influence on the responsiveness of the governments to popular control. Attention is devoted to the constitutional aspects of these transitions and to the extra-governmental agencies called into being to serve purposes for which no other machinery was to be found.

This book is not only of transitory value. Its scholarly treatment of the acute questions of political science the war problems gave rise to; its frank discussion of issues still fogged by partizanship; its orderly and systematic arrangement of the matter; and the readable style in which it is couched will win for it a place of authority for the political and historical material it contains. We are too near many of the great events of the past few years to feel satisfied in passing judgment upon them. We are inclined to await fuller data and greater perspective. But with many phases of the conflict, prompt analysis of the problems and discussion of their solutions is the better, that the circumstances and atmosphere of the days when the answers were made be remembered and many situations the far view may dim, be kept in mind. Though the author has not refrained from expressing opinion upon a multitude of matters still of controversy, one finds himself in accord so universally with the ideas set forth that it seems almost contentious to allude to those where a different judgment might be entertained. The chapter on New Ideals of Democracy is particularly interesting.

In some of the judgments, expressed, however, the author seems to have rather overstated the case. We had hoped that "the victorious democracies, under the inspiration of the ideals aroused by the war," would be "prepared to take in hand the conditions of their national life and reconstruct their political systems in accordance with those fundamental principles of justice which had been evoked against their common enemy" (Preface), but we do not recall that they were. The problems of peace seem to have been set aside for more immediate questions, in the days before the armistice, as well as thereafter, and we were more anxious to hasten the return to "normalcy," as the author notes in the following paragraph. The linguistic and other nationalistic problems of the new European States are so incomparable to our own that the contrast drawn as to the propriety of having these matters regulated by outside authority seems a little strained (p. 63). The war weakened many of the doctrines of International Law that we had thought established, but that "the old distinction between combatants and non-combatants has been, except in minor respects, entirely wiped out" (p. 45, p. 167) is at least open to debate. The statement that "the burden of taxation must be made to fall upon wealth in due proportion to its larger enjoyment of benefits created by the state" (p. 244) will not be approved by the greater number of tax authorities who feel that "faculty" rather than "benefits" should be the true measure of the taxpayer's contribution. As the author later suggests (p. 161) it was the need for centralized control, rather than the other difficulties mentioned (p. 160), that formed the chief reason for National control of the railroads in time of war.

But while the reader will note here and there statements to which exception might be taken, they are, on the whole, trivial. Professor Fenwick has written an excellent book which will be valued by the political scientist, the historian, and the general reader.

S. Gale Lowrie.

University of Cincinnati.

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Government and Politics of France. By Edward M. Sait. Yonkers-on-Hudson, World Book Company, 1920. Pp. 478.

This volume meets a long-standing need. Heretofore the American interested in the government of our great sister republic has been handicapped by the dearth of available literature on the subject. With the exception of brief accounts by Lowell and Ogg the only treatise in English was a book by Bodley, written in rather an unsympathetic vein and now a generation out of date. Nor is there a comprehensive work in French which thoroughly satisfies the needs of the foreign student, for most of the great French writers have been pre-eminently jurists, and their approach has been that of constitutional law. Professor Sait has not limited himself to a description of the structure of government, but has sought also to picture its actual operation. One of the best chapters of the book traces the course of political development since the foundation of the Third Republic, and another explains in considerable detail the character, aims and organization of French political parties.

The book opens with an analysis of the constitution of 1875 and an account of the struggle between monarchist and republican factions which culminated in its adoption. Succeeding chapters deal rather fully with the powers and influence of the president and the ministry and their relations with parliament and the administration. Three chapters are devoted to the organization and operation of the senate and chamber of deputies. Local government is briefly described, and the administrative and judicial courts, always puzzling to the American reader, receive adequate treatment considering the scope of the work.

In the course of the book Professor Sait presents a number of projects of reform which have agitated French public opinion in recent years. Among the mooted questions is the expansion of the personal authority of the president. Conservatives are inclined to favor an evolution toward a strong presidency of the American type as a stabilizing force in the administration. At the other extreme stands the proposal of state employes to introduce syndicalism in the administrative services. It is the problem of decentralization, however, which has attracted most attention since the war. Although none of these schemes has materialized, several important reforms affecting parliament have been carried out in the past few years. The most striking is, of course, the revision of the electoral machinery. France has finally adopted a real system of secret voting, although the Australian ballot has not yet been introduced. The law of 1919, restoring *scrutin de liste* and instituting proportional representation, has proved generally disappointing, as was predicted. The scheme, as Professor Sait points out, fails to establish true proportional representation and the results in the election of November, 1919, were quite unsatisfactory. Parliamentary practices have also undergone alteration in some important respects. Standing committees are now chosen by a process which insures fair representation for all parties, and the old anomaly of a budget constructed twelve to fifteen months in advance has been done away with by the granting of votes on account.

The book is designed to meet the demands of both student and general reader. The author has relied upon the best French authorities and the work is well documented throughout. There is also a valuable bibliography at the end. The general reader should find the book of interest, as the style is easy, and a liberal use of illustrations drawn from the history of the Third Republic adds point and zest to the treatment.

R. C. Atkinson.

Western Reserve University.

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The Outline of History. By H. G. Wells. New York, The Macmillan Co., 1920. Two volumes.

This *Outline* begins with "The Making of Our World" and ends with a prophecy of "world-wide political and social unity." Criticism as to the facts selected for presentation and the relative space given to the different periods would be out of place; for his purpose the author has chosen well. The maps, charts, and illustrations are many, and usually they are noteworthy.

Wells believes that universal history should be "the backbone of a general education," that "the need for a common knowledge of the general facts of human history throughout the world has become very evident during the tragic happenings of the last few years," that "*there can be no common peace and prosperity without common historical ideas.*" He is imbued with a philosophy of history which makes him believe in the "progress of mankind towards a world-wide unity." "The idea of the world state, the universal kingdom of righteousness of which every living soul shall be a citizen, was already in the world two thousand years ago, never more to leave it."

Consequently he has tried not so much to ascertain what the trend of events actually has been, as to select and co-ordinate facts to prove his thesis. He has been fortunate in having the aid of over fifty critics who have pointed out statements which needed correction. He has not always followed their suggestions, but has instead printed their criticisms in the notes. No reader can afford, or will want, to neglect the notes. Ernest Barker and Gilbert Murray frequently register their dissent from the author's views; *e.g.*, "This is a paradox to which I cannot subscribe. Please put me down as convinced of the opposite." At times they are less outspoken and the general reader will not always realize how vital are their criticisms.

The books suggested by Wells for further reading are well chosen for his purpose. They are books which a journalist would turn to if he wished to get up a subject, or write an editorial, quickly.

This *Outline* is interesting, fascinating, as one would expect, knowing Wells. It is a remarkable feat of journalism, rather than a history. It is written from the twentieth century standpoint, and neither author nor reader loses himself in the past; the modern world is always present. The *Outline* is a tract, a piece of propaganda. "Our *Outline of History* has been ill-written if it has failed to convey our conviction of the character of the state towards which the world is moving. Let us summarize here, very briefly, the main lines to which the developments of history seem to point as the necessary lines of that world organization," etc.

If the reader agrees with Wells's view of the future Utopia he will consider this a great work and its publication a news-item worthy of a place on the front page. The student of history will lay the *Outline* down with a feeling of gratefulness to Wells for another enjoyable book, which will be a useful historical source, in the future, to illustrate one of the points of view at the present day.

D. C. Munro.

Princeton University.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

The Gas Survey in Philadelphia.—Pursuant to an ordinance of the city council approved on December 13, 1920, the mayor of Philadelphia has appointed a commission to make an investigation of the gas supply situation. The commission consists of Milo R. Maltbie, a public utility consultant of New York, as chairman; W. F. Hine, a gas engineer of New York; Charles Day of the engineering firm of Day and Zimmerman of Philadelphia; and two local citizens, Howard R. Sheppard and Thomas F. Armstrong.

The purpose of the investigation is to secure the advice of experts and the benefit of a general survey of the gas situation before the city takes action to establish permanently a new standard governing the quality of the gas. About the middle of August, 1920, the twenty-two candle power standard specified in the gas lease was suspended on plea of the operating company, and a heat unit standard specifying a minimum of 530 British Thermal Units was adopted temporarily. This new standard continues in force until April 1, 1921, by which time the ordinance calls for a report from the investigators.

The gas situation in Philadelphia is unique in that the gas facilities are owned by the city and are leased to a private company, the United Gas Improvement Company. A thirty year lease was given to the company in 1897 with the stipulation that the company should make extensions from its own funds, and maintain the gas works in first class condition and with the best and most economical processes of gas manufacture in use. On December 31, 1927, the complete facilities become the property of the city without cost. The lease specified a charge of one dollar per 1,000 cubic feet for gas delivered to the consumer, subject to reduction by ordinance of council. The company's share in these receipts was made in a constantly decreasing proportion of the total receipts. Thus far the charge for gas has been maintained at one dollar, and the payments by the company to the city have accordingly increased from time to time. Since January 1, 1918, the company has received 75 cents and the city 25 cents of each dollar of receipts for gas sold.

The temporary lowering of heat units in the gas supplied has caused much dissatisfaction on the part of the gas-consuming public. Complaints have been made to the state public service commission, but that body has refused to consider such complaints on the ground that it is without power to regulate public utilities owned by a municipality and operated either directly by it or by others under lease.

The principal points at issue are whether the candle power standard should be permanently abolished; what heat unit equivalent should be substituted—and the question of supplying a lean gas will undoubtedly enter into this determination; and finally what change, if any, should be made in the price of gas. Since the gas facilities revert to the city in 1927, and if the gas standard will be changed anyway eventually, it is especially advantageous to the city to have the change made now in order to reap the greatest possible benefit from the expenditures by the company for extensions and improvements in the remaining seven years of the lease.

James W. Follin.

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New York Agitated by Governor's Traction Program.—Governor Miller recently sent a special message to the legislature on the New York city traction problem which aroused much excitement among both friends and enemies. Several prominent Republicans of the city are opposed to the governor's plan and Tammany has seized upon it vigorously as a weapon in the mayoralty fight next fall.

The governor's opponents are largely concerned with what is believed to be denial of home rule in traction matters. His message favored the establishment of a state-appointed transit commission of three members for New York city with power to investigate and also to act. He suggests that the city's powers with respect to transit be reduced to the minimum guaranteed by the constitution—which he defines as the right to consent or refuse to consent to the routes and general plan of construction of proposed transit lines—plus the right to say whether municipal credit shall be used to provide funds for transit purposes. This means that the new transit commission will have power to modify the dual contracts without the consent of the city, and to increase fares generally on the local transit lines.

The governor calls for a complete unification of all the transit lines of the city with some arrangement for ultimate municipal ownership, but he does not call attention to the fact that this can be secured only with the consent of the companies. The power to be conferred upon the new transit commission will be a power to surrender the city's rights without power to compel the companies to give up anything except by negotiation. The governor does not recommend service-at-cost under that name, and apparently does not favor it in the form of a contractual relationship. At the same time, he appears to favor the principles of service-at-cost in the form of flexible fares under state regulation and regards this as an intermediate step to ultimate municipal ownership. Distinctly he favors some unified plan by which the city's transit facilities shall be made fully self-sustaining and a rate of fare can be secured which will be uniform at any given time throughout the city. The governor would not leave to the municipality any voice in the determination of its transit policy, except in the way referred to above.

The New York City Club in its report on the governor's program does not find in it the open sesame to the traction millenium. It criticizes as false the theory that the problem is not a local one. While demanding a unified system, without which his service-at-cost plan is impracticable, the governor does not state how it can be secured. His implication is that this can be done by voluntary agreement, clearly impossible except at a prohibitive cost. The report points out that the governor's emphasis is upon the legal and fiscal aspects of the situation, which do not go to the heart of the problem.

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Motor-Bus Companies Organizing to Succeed Top-Fare Trolleys.—A natural, but to the average electric railway operator, unexpected, result of excessive increases in rate of fare is the promotion of motor-bus companies which offer to replace the street railway system entirely and even to improve upon it at lower rates of fare. These companies are not to be confused with the jitney operator as they assert their willingness to assume the usual obligations of common carriers. A fertile field for these promoters is in small cities where the fare on the trolley has gone to 8, 9 or 10 cents, for at these rates the more flexible motor-bus has a living chance to make good in short-haul service, although a 5-cent motor-bus service is out of the question. An example of this tendency is afforded by Gloucester, Mass., which is in the territory of the Eastern Massachusetts Street Railway Company. The latter company is now charging a 10-cent cash fare in the several districts under which the property has been divided by the state's board of trustees who manage the railway. Deficits in each district must be met out of public funds or else the service is subject to withdrawal. Thus the people in a small city like Gloucester must not only pay a 10-cent fare but must also be prepared to meet any deficit arising therefrom. It is not surprising, therefore, that at the municipal election December last, the voters decided overwhelmingly not to subsidize the street railway system, and that there should now be before the municipal council a proposition from an organization, naming itself the Worcester Auto-Bus Company, to become the common carrier in place of the railway. An obvious deduction from events like these is that if the electric railways wish to remain in business in towns where real mass transport does not enter they must be willing to do two things: First, cut rental and other overhead charges to the bone; second, install motor-bus service themselves where the self-propelled vehicle really is needed.

Walter Jackson.

⁂

A New Federal Code.—It is expected that the bill codifying the federal laws will pass at the short session and thus give to the 66th congress the credit for providing for the country the first real code of federal law which has been compiled, as the Revised Statutes of 1874 laid more stress on revision than on codification. The stupendous task of complete codification of the general and permanent laws of the United States was undertaken by Congressman Edward C. Little at the beginning of this session of congress. The code will present all the general laws that have ever been passed in this country which still have effect. Repealed and executed laws have been eliminated and amendments have been incorporated. Riders on appropriation bills which have general or permanent effect have been grouped under proper headings.

This colossal task has been accomplished at an incredibly low price. Chairman Little estimates that the cost of preparing the code will come within $15,000. As compared to the cost of

$100,000 for the preparation of the Revised Statutes in 1874, this is certainly a bargain, when the present high prices of bookmaking are considered. Congressman Little, however, effected substantial savings by departing from established custom. He had the bill printed in the same style and page-size as the Congressional Record in order to save the cost of reproduction in final form after enactment by congress. As soon as the bill is passed, the set-up type in the government printing office can be stereotyped and used to print the pages of the completed volume. In order further to save expense and reduce bulk, the title headings of enumeration and side notes have been eliminated. Each item bears its own title in larger type. The code will contain about 1,100 pages, with, perhaps, 11,000 sections grouped under 60 titles and will be bound in a single volume for convenient reference.

HARLEAN JAMES.

✠

Charter Revision for New York City.—Measures are being taken in three different quarters (one of them of official character) which have as their object the radical revision of the Greater New York charter.

Senator Meyer has introduced a resolution in the state legislature authorizing the appointment of a legislative committee to consist of five assemblymen and four senators, which shall inquire into the defects of the present charter and report back its recommendations and remedies before February 1, 1922. A non-partisan citizens' committee, composed of unofficial representatives of various civic organizations, is being formed with the intention of making a *de novo* inquiry into the administrative organization of the city, and of attempting to remove from the body of the charter those sections which properly should be incorporated in an administrative code. The Real Estate Board of New York already has initiated a detailed examination of the charter and announces its intention of making a determined effort for the virtual abolition of the county governments in so far as this can be accomplished without constitutional change. It also proposes to deprive the five borough presidents of their places in the board of estimate and apportionment, and to substitute in their stead the chamberlain and the collector of revenue. Both of the last named are at present appointive officers, but would become elective if the board's plan were carried out.

The creation, abolition and consolidation of various city departments and bureaus is contemplated. The most far-reaching proposal of this character is that a department of public works be created, which shall take over all public work, including docks and bridges and the construction of school buildings. This would involve the abolition of the department of plants and structures together with the public works departments in the five boroughs.

The situation thus presented is featured both by unusual opportunities and serious hazards in about equal proportions. There are few who will defend the present organization of the New York city government. On the other hand the several plans for relief which have been put forward are widely divergent. It is in this that the chief danger to early charter revision lies. With two voluntary groups already at work, and the prospect of a legislative committee entering the lists at an early date, there is a possibility, too real to be taken lightly, that the great body of popular support, which readily could be enlisted in behalf of a single plan of revision, will be hopelessly divided against itself in sponsoring the adverse claims of three or more bodies.

CLARENCE B. SMITH, JR.

✠

Massachusetts Billboard Regulations.—Last May the Commonwealth of Massachusetts passed an act to provide for the regulation of advertising signs and devices within the public view. This was in effect an enabling act. It provided that the division of highways of the department of public works should, within sixty days after the passage of the act, "make rules and regulations for the proper control and restriction of billboard and other advertising devices." Cities and towns were specifically authorized further to regulate and restrict billboards by ordinance or by law not inconsistent with the state regulations.

In October the Massachusetts Federation of Planning Boards suggested to the division of highways regulations which it was hoped would be adopted. While the regulations issued on December 20, 1920, by the division of highways did not go as far as the recommendations of the federation, the rules put into effect are a distinct step forward. Outdoor advertising must be licensed annually and a charge of fifty dollars a year is made. Permits, which run until revoked, must be secured before any sign can be located, and each sign is required to carry the serial number of the permit. No outdoor advertising is permitted "within the bounds of any highway, nor on any location within 300 feet of any park, parkway, playground, state reservation, or public building," nor "upon any rock or tree, nor upon any fence or pole bordering any public highway."

The division reserves the right to pass upon the subject matter displayed and to approve of size, shape and material of the signs. The owners of billboards are required to keep signs from the ground and free from all rubbish, or "any material which the division may consider disadvantageous to the community."

The division enunciates a principle when it incorporates in its rules a specific provision that "no permits shall be granted for the location or maintenance of signs near certain highways in territory which, in the opinion of the division, is of unusual scenic beauty. Such places will be designated by the division from time to time."

H. J.

⁂

One Appropriation Committee in Congress.—In anticipation of the passage of the budget bill the house of representatives in the short session has enlarged the appropriations committee from 21 to 35 members by adding 7 Republicans and 7 Democrats. The new majority members have been made chairmen of sub committees. Through its 15 sub-committees the appropriations committee has handled 15 separate appropriation measures under the following titles: *agriculture; army* (including Military Academy); *diplomatic and consular;* District of Columbia; fortification; *Indian;* legislative, executive and judicial; *navy;* pension; *post office; river and harbor;* sundry civil and deficiency. Those in italics are new committees. The house committees on agriculture, military affairs, foreign relations, Indian affairs, naval affairs, post office and post roads, and rivers and harbors are continued as before to deal with all other matters except appropriations in their respective fields. Each new sub-committee has on it at least one member of the appropriations committee as it existed at the last session. With the exception of this thread of co-ordination the bills have been handled quite as they were before the change and the chairmen of the sub-committees have appeared on the floor of the house to steer their particular bills to the most favorable action possible to secure.

Up to date, therefore, the sum total of accomplishment is that *all* appropriations now pass through one committee composed of 15 sub-committees instead of through eight or nine major committees each handling appropriations. The senate which cannot initiate appropriation measures in any case has made no change in its committees. The bureau chiefs still follow the established precedent of sponsoring their requests for appropriations and these requests arrive in the hands of the appropriations committee via the treasury department. Until the budget bill has become a law and the reallocation of the federal bureaus in homogeneous groups has become a fact it can hardly be expected that heads of federal departments will be able to present responsible budgets to congress. But the first step has been taken and it is hoped that the other two may follow at an early date.

Harlean James.

⁂

Civil Service Threatened in Two States.—New York and Connecticut, the one a pioneer and the other a late comer into the group of states protected against political spoilsmen by a merit system, are just now passing through a threatening crisis. In the one case an investigating committee of legislators and in the other a member of the lower branch of the legislature leads the attack. The Connecticut legislator would do no less than quietly and finally expurgate the whole civil service law from the statute books. This action is proposed in spite of the comparatively inoffensive nature of the Connecticut law, which in its present form permits any officer or group of employes to petition the governor to declare positions exempt. Moreover, the governor's authority in any such decision is quite untrammeled, as he is under no obligations to justify his action either to the civil service commission or to the public.

The attack in New York state is aimed on the other hand at only one group of positions, namely those under the state industrial commission. But in point of numbers more than 1,100 offices and positions are involved. Apart from calling for a thorough overhauling of the organization of the commission, the so-called Knight-Brady Bill provides that the heads of all divisions under the industrial commission shall be considered "of a confidential nature" and that they may, therefore, be appointed without competitive examination. Furthermore, the commissioner-to-be is given absolute power over the fate of all employes. He may "transfer officers or employes from their positions to other positions in the department, or abolish or consolidate such positions. The commissioner may remove from office any officer or employe in the department."

The two proposed measures are fortunately meeting with vigorous opposition. The hearings in Albany brought forth a series of protests from influential organizations and individuals that cannot have failed to make an impression on the thoughtful public and the committee, and although the lower house in Connecticut passed the bill under suspension of the rules and without debate, it was promptly tabled in the senate. This action has recently been followed by the introduction of a series of amendments to the present civil service act that will, if adopted, both strengthen and improve it.

W. E. Mosher.

⁂

Federal Court Enjoins Indiana Coal Commission.—The price-fixing powers of the special coal and food commission of Indiana, described in the December 1920 Review, have been set aside by a temporary injunction issued by the Federal district court. Although the injunction applies to two companies only, it will, of course, control the action of the commission in dealing with all other companies.

The injunction was based on the theory that the price-fixing powers exercised by the commission would be an interference with interstate commerce as well as with pre-existing contracts. The underlying foundation question as to whether the coal industry is impressed with public interest was left over for a decision at a final hearing. Under this order the commission was enjoined from fixing the price of coal or requiring the company to deliver a fixed amount of coal or issuing any orders interfering in any manner with existing contracts providing for the sale and delivery of coal or requiring the company to produce its books for inspection or from instituting either criminal or civil suits to compel the plaintiff to carry out the orders of the commission.

The special powers of the commission expired in March under the terms of the statute and there is a general feeling among its supporters that its emergency purpose has been accomplished.

⁂

P. R. in Many Lands.—In Canada, Winnipeg, Vancouver, and Victoria have just held their first municipal elections under P. R. In Vancouver 87½ per cent of the voters helped to elect aldermen, in contrast to 49 per cent at the last election under the old system. The percentage of spoiled ballots in Vancouver was only 2.8 less than in some recent elections under the old system. In all three cases the official count was completed without difficulty in less than two days.

In Ireland, the home rule act passed recently by the British Parliament provides for the elections of both northern and southern parliaments by the Hare system of proportional representation. The All-Ireland Trades Union Congress, the British Labour Party, and the Standing Committee of the Irish Peace Conference have recently demanded that the solution of the Irish problem be referred to a constituent assembly elected by the Irish themselves according to the principle of proportional representation.

In India the first elections under the Hare system have recently taken place. The new electoral provisions prescribe P. R. for three selected constituencies of the new Indian national and provincial legislatures and permit its extension to other elections.

In Europe the new countries of Georgia and Jugo-Slavia elect their parliaments by simple party list systems of proportional representation. The treaty of peace with Turkey prescribes P. R. for the protection of minorities in Smyrna and other regions in Asia Minor.

⁂

City-Manager Bills Introduced.—At this writing it is too early to know the fate of the bills introduced in the legislatures of Indiana, New Jersey and Wyoming, permitting cities to adopt the manager form of government. The Indiana bill permits cities to choose between manager and commission government. The New Jersey measure adds the manager form to the present optional commission government law.

II. JUDICIAL DECISIONS

Delegation of Taxing Power.—The tax equalization Act of Georgia provides that the Board of County Assessors shall meet each year and fix a fair valuation upon both real and personal property. It further provides that if a taxpayer is dissatisfied with the action he may, within ten days, demand an arbitration by a board made up of three persons—one appointed by himself, one by the assessors, and the third appointed jointly by the two others. The law further provides that they shall render their decision within ten days from the date of naming of the arbitration board, otherwise the decision of the Board of Assessors shall stand and be binding.

In the instant case the plaintiff made his return, valuing his property at $44,000. The County Board of Assessors, without hearing, raised the assessment to $80,000. Notice was then given to the plaintiff of the increase. The plaintiff demanded an arbitration board, which met and decided that the amount fixed was excessive but could not agree upon the correct assessment. The levy was attacked on the ground that it violated the Due Process of Law clause of the constitution. Twice the Supreme Court of Georgia held the law constitutional. On removal of the case to the United States Supreme Court, it was held that if the legislature of the state, instead of fixing the tax itself, commits to the subordinate body the duty of determining whether and in what amount, and upon whom the tax shall be levied, due process of law requires that at some stage of the proceedings before the tax becomes irrevocably fixed the taxpayer must have the opportunity to be heard, of which he must have notice, whether by publication or by some statute fixing the time and place of the hearing. Further, the court held that in this case the taxpayer is subject to an assessment made without notice and hearing, and that the taxpayer did not receive any notice, nor was the opportunity ever given him to be heard before the assessment was finally made against him; that the statute contemplated only a hearing in the event of his dissatisfaction and through the Board's arbitration, which was not such a hearing as came within the contemplation of the Fourteenth Amendment.[1]

⁂

Making Medical Association the State Board of Health.—An Act of the Alabama legislature making the State Medical Association the Board of Health in the State of Alabama was attacked on the ground that it was beyond the power of the legislature to confer the authority granted in the law to a purely private corporation. To this contention the Supreme Court held that the Act was valid. By virtue of the law the admittedly private association became a public board and that the powers were delegated or conferred upon this latter organization, and not upon the medical association as such. A further objection was raised on the ground that the members of the Board were necessarily selected by members of the Medical Association acting in their private capacities, governed only by the rules of the Association and responsible neither to the state nor to the people. The court held that because of the practical value of having such a board selected by skilled bodies having peculiar interests in the successful administration of the law, and that because of the quasi public character of the Association, such an objection could not be sustained.[2]

⁂

Delegation of Legislative Powers.—The statute of Illinois empowered the State Fire Marshall and other named officers to order remedied or removed any building or other structure which, for want of repairs or by reason of age or dilapidated condition, or any other cause, was especially liable to fire, and which was so situated as to endanger other property or persons. It also provided that a property owner, who believed the order unjust, could appeal to the state fire marshall who would investigate the matter, but unless he revoked the order, it should be complied with.

Held that the statute was unreasonable as a delegation of legislative power. The majority opinion based their decisions on the grounds that there was no rule laid down to determine when a building is especially liable to fire. The discretion was left entirely with the fire marshall. The minority opinion held that the provision for inspection by fire marshall gave the property owner his day in court.[3]

⁂

Municipality Can Act Beyond Boundaries Only When Empowered.—A tax district bordering on the water front had power given by statute for improvements "within the district." It was proposed to create a park, including a pleasure pier, 50 feet of which was to lie within the boundaries of the district and to extend 750 feet beyond the exterior boundary line into the ocean.

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[1] 41 S. C. 27.
Turner v. *Wade.*

[2] 86 So. 28.
Pocke v. *Bradley.*

[3] 128 N. E. 377.
People ex rel. Gamber v. *Sholen.*

A taxpayer seeks to enjoin the issuance of bonds for such a purpose.

Held that an injunction should be granted on the ground that a municipality is competent to act beyond its boundaries, only in cases in which it is so empowered by legislative authority, or where the urgency, expediency or necessity demand. In many cases, courts have held that there are purposes for which a corporation may, without special legislative grant, purchase and hold extra territorial lands. The distinction seems to be that municipal authority in a governmental sense cannot be exercised outside the limits of the municipality. While municipal authority used in the mere exercise of business functions can be exercised outside of the limits, providing such functions come within the scope of the city's corporative authority.[1]

⁂

Undertaking Establishments May be Controlled and Prohibited Under Police Power.—An action was brought by a proprietor of an undertaking establishment to enjoin the enforcement of an ordinance prohibiting the locating of such establishments outside of certain zones.

Held, that the injunction must be denied because this ordinance comes within police power of the city. The court said that the police power of the city is that power which enables the city to prohibit all things hurtful to the comfort, safety and welfare of society. An undertaking establishment is not a nuisance *per se*, but there are numerous businesses that a city can exclude from residential districts because of their offensiveness to the senses, or a possible injury to health, or an obstruction to the free use of property. Previous decisions indicate that undertaking establishments can be enjoined as a nuisance where it appears that obnoxious odors and gases would permeate the neighborhood. Under these circumstances the ordinance was held valid.[2]

⁂

Public Utilities Control.—In a recent Chicago railway case, testing the validity of a legislative act, the city claimed to have acquired valuable rights under the act by the contract under which it receives the greater part of the net income, and that, while the raising of the fares would not destroy the contract but would give the city more, the principle that the general assembly may control rates would permit lowering the fares, so that the share of the city in the net receipts would not be sufficient to enable it to purchase the property.

Held, that there is no basis for not maintaining the power of the general assembly to regulate rates of fare to the end that citizens of the state may be carried for a reasonable compensation for the service rendered, even if the city's share of the income from the property would not be sufficient to purchase the property. A municipality is a mere agency of the state, and, whether invested with the fee or a mere easement in streets, it holds them in trust for the people of the whole state, and, so far as their use for street purposes is concerned, every citizen of the state has an equal right, and is represented not alone by the city of Chicago but by the general assembly.[3]

ROBERT M. GOODRICH.

IV. MISCELLANEOUS

National Parks Conference.—The calling of the national conference on parks at Des Moines, January 10, 11, and 12, by the governor of Iowa, at the suggestion of the secretary of the interior, is significant in the park movement. Representatives were present from twenty-eight states. All forms of parks were discussed, but the value of state parks was particularly stressed. It was decided to continue the movement inaugurated at Des Moines by an informal committee which should call an annual conference, but it was thought that the work within the states should be conducted through existing organizations.

The conference declared its belief:

1. That public parks, local, county, state and national are necessary for the best development of patriotism, of efficient manhood and womanhood, and of business and civic life in the United States.

2. That such parks should include not only ample and organized provision for recreation, but also for the preservation in their natural state of liberal areas embracing the varied types of prairie, forest, lake, drive and mountain scenery

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[1] 192 Pac. 702.
Mulville v. *City of Santiago.*

[2] 192 Pac. 716.
Brown v. *City of Los Angeles.*

[3] 126 N. E. 585.
Chicago Railways Company, et al. v. *City of Chicago.*

of America, as well as the natural wonders that distinguish our country.

3. That it is incumbent upon our governments, local, county, state and national, to continue to acquire sites suitable for recreation and the preservation of wild life, until eventually there shall be public parks within easy access of all the people of our nation.

4. That this conference, recognizing the fundamental value of forest recreation, recommends that in the establishment of further national, state, county and municipal forests, the recreational use of such areas be correlated with similar activities in other publicly owned areas.

To facilitate such accomplishment we recommend the appointment of a special committee to study the park laws of the several states and to confer with the executive committee of the national conference of Commissioners on Uniform State Laws, with a view to the preparation and presentation of model drafts.

5. That either as public parks or monuments, important historic sites and trails (both Indian and Colonial) should be preserved, marked, and maintained for the instruction and inspiration of this and future generations.

6. That all public parks, already acquired or later to be set aside shall be considered as forever dedicated to the people, and shall be held inviolate from commercial use and private gain.

7. That the creation of a sentiment favorable to the preservation of wild life, without as well as within our parks, is one of the great duties of our generation, and that the establishment of a Conservation Day—state or national—may be one of the surest means of developing such sentiment.

8. That it is important to develop a great system of inter-city, inter-state and national park highways, along which and along other routes of travel it is desirable to protect the natural trees and flowers and to restore such natural growth wherever it has been despoiled. It is particularly desirable to preserve large and characteristic trees along the highways to serve as memorials of the past.

H. J.

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The Community Fair.—To most normal Americans the memory of a county fair is agreeable. At these fairs, far less frequent now than a generation ago, the country people had opportunity not only to engage in unwonted social contact for several days, but to exhibit the best of their productions in farm animals, in vegetables, in home-made food products. The farm women could and did show quilts as well as cookery, and a natural interest in the speed of a horse was not diminished by the usual proximity of a trotting ring.

That live and prophetic proponent of country planning, Prof. F. A. Waugh, of Massachusetts Agricultural College, at Amherst, showed at the recent meeting of the American Civic Association at Amherst a model of a community fair, relating entirely to the products of the college and including what the college could do in fun and flowers as well as in vegetables and livestock. To the writer nothing exactly takes the place of this unique method of country interchange. It is therefore with gratification that the publication of "The Community Fair," an exceedingly good-looking pamphlet by E. L. Morgan, Extension Professor of Community Planning in the Massachusetts Agricultural College, is noted. This document appears as Extension Bulletin No. 27. It tells of the community idea and how it may be organized, how the fair may be financed and advertised, and contains the novel announcement that the fair is "for farmers, not fakers," which means that the all too frequent abominable things found at the old-fashioned county fair do not enter into the community fair as here planned.

The bulletin includes detailed suggestions as to the handling of the educational features of the exhibits, not excluding moving pictures and lectures, and emphasizing demonstrations, as, for example, of livestock judging, farm machinery, household appliances, butter- and cheese-making, etc. Suggestions for games and contests are given in detail. The methods of handling judges, what to exhibit in various classes, from the kitchen through the garden to the farm and its products, receive attention.

Very many times inquiries come to those of us who deal with betterment work in any form which might be summarized in the word "How?" This bulletin is the very excellent "How" of the community fair, and its use in Massachusetts ought to add to the comfort, prosperity and joy of living in that staid commonwealth.

J. Horace McFarland.

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City Planning Notes.—The national conference on City Planning has issued a handbook entitled "Municipal Accomplishment in City Planning and Published City Plan Reports in the United States." It is edited by Miss Theodora Kimball, librarian of the School of Architecture, Harvard University. The information has been assembled largely by the Detroit City Plan Commission. No similar publication has been published since Mr. Ford's "City Planning Progress," 1917, which is now out of print. There is appended a supplement including the municipal appropriations for city planning in 1920, by Flavel Shurtleff, secretary of the National Conference on City Planning.

The fifth annual meeting of the City Planning Institute met in Baltimore on January 29.

A state conference on legislation regarding city planning and zoning met in Indianapolis on January 28.

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The Civic Club of Allegheny County, the county in which Pittsburgh is located, recently celebrated its twenty-fifth anniversary. The afternoon was devoted to a series of meetings covering the various activities of the club and to a civic display. In the evening a grand pageant was presented depicting the problems with which the civic club has been confronted and the progress that has been made toward their solution during twenty-five years' effort for civic betterment.

Alex Dunbar is president of the club and Miss H. M. Dermitt, to whom much of the success must be credited, is secretary.

⁂

The Minnesota Tax Association held its fifth annual conference in St. Paul on January 19 and 20. The principal topics discussed were the proposed tonnage tax upon iron ore, the exemption of the federal farm loan bonds, and other securities from taxation, the proposed state income tax amendment and the plan for a model system of taxation as proposed by the committee of the National Tax Association. Members of the state legislature, state tax commissioners, county auditors, assessors and commissioners and others participated in the discussions. R. G. Blakey was elected president for the ensuing year.

⁂

New Jersey League of Municipalities.—On January 19 the New Jersey State League of Municipalities held its sixth annual convention at Trenton with an attendance of fifty-five delegates. Mayor Gillen of Newark was elected president. The executive secretary, S. H. Phinney, reported an active membership of one hundred eighty municipalities, and outlined a program of work. The publication of *New Jersey Municipalities* will be discontinued, and the time and money thus saved will go into legislative service, active lobbying for desired legislation, and more intensive study of New Jersey municipal problems. The office of the League has been moved from Princeton to Trenton where closer contact with the legislature and the state departments will be possible.

The speakers were William P. Capes and Dr. Delos F. Wilcox.

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Americans Honored Abroad.—Mr. and Mrs. C. G. Hoag, who have recently been visiting in England, were entertained just before their return home at a complimentary luncheon by the Parliamentary Committee for P. R. at the House of Commons. Lord Robert Cecil, chairman of the committee, presided at the luncheon.

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U. S. Chamber Creates Civic Department.—Mr. John Ihlder, former secretary of the Philadelphia Housing Association, has gone to Washington as manager of the new civic development department of the United States Chamber of Commerce. Mr. Dorsey W. Hyde, Jr., has resigned as research director of the Packard Automobile Co. to become assistant manager of the same department.

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Duluth is doing a great deal of recreational work under the direction of Mr. J. R. Batchelor. Moving pictures, community dances and skating have been occupying most attention throughout the winter. The new collapsible warming houses which were installed proved a successful answer to the problem of a warming house in winter that is not unsightly in the summer.

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Minneapolis has some new street car line extensions, and is adding much to the efficiency of the service. All commercial vehicles carrying passengers, baggage, or freight are required to file a bond of $5,000 with the city comptroller, in accordance with a recent ordinance.

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Edward T. Paxton has been added to the staff of the Bureau of Municipal Research of Philadelphia. He was formerly secretary of the bureau. Mr. Russell Ramsay, formerly assistant secretary of the National Municipal League, succeeds Mr. Paxton as secretary.

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VIEWS AND REVIEWS

Mr. Hughes Resigns

Mr. Hughes has resigned as president of the National Municipal League. He felt that the assumption of official duties at Washington would prevent his giving the necessary attention to League affairs and that he must therefore withdraw from its active headship. While the League loses a president the country gains a secretary of state, and the sincere good wishes of our officers and members go with him. He has been good enough to say that it has been a great pleasure to be associated with us and that he leaves our work with reluctance.

Mr. Hughes really believes in the League. His good humor, practical judgment and scientific attitude to governmental matters will be sorely missed from our counsels.

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Superflous Government

Disinterested observers usually agree that county government superimposed upon a city of any considerable size is a useless extravagance. Political prodigality reaches its lowest level when numerous administrative commissions, and elective boards with taxing powers are set up in the territory already under city and county governments. Multnomah county, Oregon, has eighty taxing authorities. At each regular election a voter of Portland is confronted by a ballot containing 87 separate public offices. The present legislature is considering a constitutional amendment consolidating most of the 80 taxing authorities into the city and county of Portland.

While Portland may be an extreme example, other cities are troubled in the same manner. Chicago, for example, or Seattle, St. Louis, Philadelphia or Cleveland. In Philadelphia, as was shown in the February REVIEW, a number of independent agencies finance themselves out of city funds. If the council has not seen fit to appropriate money for some service, the corresponding agency, perhaps the county commissioners, secures a mandamus against the city treasurer ordering him to pay over the funds.

But whenever some exasperated citizens move to abolish the intricate network of governmental units, politicians talk as if there was such a thing as a vested interest in the present disorganization. Access to the spoils of the existing system becomes hallowed by time, and interference is resented as an infringement upon a sacred right.

*

Who Is to Be Taxed

Representative Good, chairman of the House committee on appropriations, is not in favor of taxing the business of every going concern, as such taxes, on a rising scale, stultify business and finally are unloaded on the overburdened shoulders of the ultimate consumer. The excess profits tax is cast into the scrap heap with the going concern tax by Mr. Good, who favors heavy taxes on luxuries, particularly on beverages and tobacco. He does not state whether he expects to increase tax receipts or decrease consumption of these two articles. A high enough tax rate might almost meet the present expectations of the most ardent reformers. A tax of 60 cents per horse power on all automobiles is urged in spite of the disclaimer of the tax on going concerns. And there may be some of our farmers who, having discarded horses, find automobiles tools of trade and means of necessary transportation. Not all the motor-cars which are owned and are operated in this country are limousines with liveried drivers.

It is indeed difficult to find the right people in the right proportion to pay the enormous federal taxes. Big business and little business for once unite and exclaim "how can we expand if we must pay high taxes?" The farmers, one and all, not only repudiate the idea of paying high taxes but claim the help of a protective tariff. The consumer protests that he cannot carry the burden already put upon him and must not be expected to tote the whole war debt.

And no doubt if posterity could speak, the next generation would protest against the suggestion that the war debt should be spread over a period of fifty or possibly a hundred years. What is a poor legislator to do in the face of protests from constituents on every plan suggested? Why, pass the buck to posterity, of course; posterity cannot protest.

H. J.

Split Sessions of the Legislature

The radical west and the conservative east exchanged places for a moment last election day. West Virginia voters approved an amendment for divided sessions of the legislature, while Oregon turned it down by a two to one vote. The West Virginia legislature will hereafter meet for introduction of bills. Within fifteen days a recess will be taken for approximately eight weeks. On reassembling no bill shall be introduced except by a four-fifths vote of each house taken by yeas and nays. The defeated Oregon measure provided that the first period of forty days would be devoted to the consideration and introduction of bills. After a recess of about eight weeks the legislature was to reassemble for ten days for final consideration of measures.

Other states have been slow in following California's example of several years ago. It is an expression of growing dissatisfaction with our legislatures. It is doubtful whether results in California have justified early expectation, and we may expect West Virginia to be disappointed. The sad plight of our legislatures will not be remedied by changes in procedure, nor until we recognize the impossible burdens which our present traditions of legislative functions impose upon those maligned bodies.

The Frenchman, de Tocqueville, observing democracy in America almost a century ago, was struck by the lack of centralized administration such as Europe was acquainted with. In America the legislatures penetrated to the very core of administration; the law descended to minute details. The local functionaries of administration were controlled not by superior administrative officers, but by detailed statutes. Here may be found one cause of the "legislative glut."

CHICAGO'S POLITICAL DECLINE

BY VICTOR S. YARROS

CHICAGO, as everyone knows, has the federal plan of city government.

It is supposed to be "council governed." This phrase was first used by former Mayor Carter Harrison, and it has become classical. The mayor, under the Chicago scheme of government, has the veto power, the power of appointment, and the right to preside over the sessions of the city council. He has always had great influence, legal and extra-legal. Still, the city has been "council governed."

For many years the city council was inefficient and corrupt. The leaders of the council were rank spoilsmen and wasters. Some of them were worse than wasters. The word "alderman" was a byword and reproach. Decent and educated citizens hardly cared to run for that office.

CHICAGO CORRUPTED

What happened? The Municipal Voters' League—long famous for its success as well as for its tact and wisdom—was organized to reclaim the city council and give Chicago honest, competent, reasonably progressive administration. The League is 26 years old. It has accomplished great things. It may accomplish more great things. But at this juncture it is rather disheartened, though bravely refusing to yield to the spirit of pessimism and despair. What the League has to say respecting Chicago's political and governmental conditions to-day has national and profound significance. Let us make room for the League's own story of a remarkable series of untoward developments. In its twenty-sixth preliminary report on aldermanic records, it said by way of introduction:

> Five years ago the city council of Chicago was a strong, able legislative body with an honest and fearless majority. Its leaders were men of real influence and ability. Chicago at that time was truly a council-governed city,—a fact of which its citizens were justifiably proud.
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> This condition had not been brought about without a fight. In the old Yerkes days the council was so corrupt that all important franchises were under suspicion of having been procured through graft. Boodling became so notorious that the people were aroused, public indignation meetings were held, and the Municipal Voters' League was organized to keep tab on the aldermen and to seek the election of honest men.
>
> Chicago, squarely facing the problems of corruption and maladministration in public office, routed the boodlers and "gray wolves," and for the next 20 years we had a city council in which the decent, honest and independent men prevailed.
>
> Then in 1915 came the election of William Hale Thompson as mayor. With Thompson came into power a political clique which gradually and insidiously annexed, one after another, practically every job and every political office in the administration of the city.
>
> With the control of patronage, and the control of huge expenditures of the people's money, it became comparatively easy for the Thompson-Lundin machine to gain complete control of the Republican party in Cook county, and the presidential landslide last November enabled them to annex the election machinery, the state's attorney's office and the trustees of the sanitary district.
>
> The result is that we have to-day a condition unparalleled in the history of Chicago; the absolute domination, by a small political ring, of virtually all of the governmental activities of the community.
>
> What has been the result of these five years of the citizens of Chicago?
>
> We have seen the administration of the civil service become a coarse farce. We have wit-

> nessed our public school system, an institution we had hoped was sacred, made the battle ground of cynical spoilsmen. . . .
>
> Meanwhile what has happened to the council? A majority of the men of aggressive personality who led the council five years ago have been driven out by the mayor and his followers. A steady war of extermination has been waged against every man opposed to the will of the city administration and courageous enough to think for himself. Of the 70 aldermen who sat in the council five years ago, only 20 remain. Some quit in disgust. Others began to vote as the administration dictated.
>
> Gradually the council surrendered, and to-day all except a mere handful get their tip on how to vote from the mayor's floor leader in the council.
>
> Chicago is no longer a council-governed city. This is the one fact of supreme importance about the aldermanic situation.

The quotation is long, but the interesting story could not be told in fewer words.

THE EIGHT-CENT FARE ISSUE

Since the story was written the city council has capped the climax by surrendering to the mayor and his machine on the vital question of public utility control and regulation. It adopted, without a single dissenting vote, a resolution offered by the mayor's floor leader and prepared by the mayor's legal adviser—a resolution which declares the franchises and contracts under which the street railroad companies have been operating since 1907 "canceled, abrogated and annulled." Several of the aldermen declared the resolution to be pure buncombe, since the council has no power to abrogate contracts or declare forfeitures. But, they said, the mayor "demanded" the adoption of the resolution, and there is no harm in it, as the courts will have to determine every issue or point involved in the attempted forfeiture.

This explanation is lame and irrelevant. The council was bound to use its own judgment in the premises. Was there real justification for the resolution? Would it serve the public interest? Would it promote a settlement of the traction question and take it out of factional and spoils politics? The council simply abdicated and furnished further proof of the assertion that Chicago is no longer a council-governed city.

What the mayor will do with his signal victory, what course the controversy regarding local transportation, the eight-cent fare (in force by virtue of orders of the Illinois state board of public utilities), and municipal ownership of the street-car system, favored by the mayor, will take in the courts, or in the forum of public opinion cannot be foretold. The purpose of this paper is to direct attention to a "modern instance" illustrating the vice of divided municipal government and the curse of patronage and spoils controlled by a powerful and well-financed machine.

THE MACHINE'S SHREWD POLICY

What has made the mayor so powerful; what has enabled him to secure complete control of the council and to override all honest, intelligent opposition?

To say that the city hall machine is audacious, unscrupulous, ruthless, and that it has unlimited resources, is not to explain the situation satisfactorily. Money and patronage alone, or money plus patronage plus humbug, would not have destroyed government by council in Chicago. The upright, able, sincere and progressive members of the council could not have been driven out or defeated by the spoils machine. The voters of Chicago are not all spoilsmen, or fools, or dupes. The majority of them are intelligent and honest, and favor good government.

The truth is that the mayor and his machine have been allowed to monopolize the progressive and dramatic issues of the day. They have successfully posed as the resolute champions of the public interest, the foes of privilege and corporate greed, the exponents of democratic and modern doctrines. The mayor has fought the traction companies, the gas company, the other public utilities. He has fought tax-dodging and promised fair and equal tax laws. He has denounced profiteering. He has advocated the municipalization of the street railroads, and "home rule" in the domain of local utilities. He has defended the right of free speech and a free press. He has advocated the referendum. He never fails to appeal to progressive and democratic principles.

Tens of thousands of well-meaning voters hear him gladly and regard him as the defender of popular rights and popular interests. His ideas are vague, unsound, impracticable. He is ignorant of political, economic and social science. He makes promises which he cannot possibly redeem. He attacks persons and corporations without producing any valid evidence against them. But the fact that he attacks the big and the powerful interests in and out of season overshadows everything else. Popular belief in him makes it possible for the spoilsmen and wasters of the city hall machine to commit all the offences with which the Municipal Voters' League justly charges him.

Progressive and aggressive leadership in the council and in the community at large would have made the city hall machine comparatively impotent. But there has been no such leadership. The voters are not greatly interested in small economies, in talk regarding efficiency and method in administration. They are seeking light on the more vital and burning questions of utility regulation, municipal ownership, equal taxation and direct legislation. The enemy they now fear is not official graft, but privilege.

The mayor's machine may or may not "deliver" anything progressive. But for the time being it has usurped democratic and progressive leadership. It has taken advantage of the failure of the friends of good government to modernize and *dramatize* their platform, to respond to new occasions and new duties.

The remedy for Thompsonism is genuine, sincere Progressivism. The remedy for demagoguery is honest, enlightened, fair defense of the rights and interests of the public.

MILWAUKEE'S NEW PENSION PLAN

BY PAUL STUDENSKY

New Jersey Bureau of State Research

I

THE bad financial condition into which most of our pension funds eventually sink and the inequities, jealousies and confusion which they usually create among various classes of employes increasingly attract the attention of the thoughtful men among legislators, administrators, citizens interested in good government and employes themselves. Upon turning to the causes of the bad condition and the possible remedies, the inquiring mind inevitably finds that the legislation governing the pension funds has been framed without any knowledge of the rules which should govern the financing and the benefits of a pension system, that neither at the time the laws were framed nor since then were the costs involved actuarially determined, adequate revenues provided and any attempt made to determine and establish a comprehensive and fair pension policy and that nothing short of a fundamental reorganization of the pension systems on a sound basis can improve the situation.

The first to realize this were the state of Massachusetts and the city of New York. New Jersey, Illinois, Vermont, Connecticut and Ohio, and recently New York state have followed suit. Each of these had (and some still have) legislative, administrative or employes' commissions or committees at work on the problem. But the task of reorganization is a difficult one, for the unsound systems take deep root and often resist reorganization. Thus it happens that most of these commissions have either limited themselves to a certain branch of service or, having occupied themselves with the entire pension field in the state or city, have succeeded after years of work in securing the enactment of only a part of their program. And in one instance—that of the Illinois commission—none of its recommendations have been placed on the statutes.

Several undertakings of similar nature but lesser scope are now in progress. It is proposed to review in these pages results of these investigations as these are published. The series will start with a review of the report just issued of the Milwaukee pension commission.

II

The city of Milwaukee has three pension funds. They cover policemen, firemen and teachers. More than half of the employes are not covered by any pension legislation. The three funds began to trouble the city a few years ago, and groups of employes not covered by any provision began to insist on being covered. As a result, a little over a year ago, a municipal pension commission was created under the authority of the legislature for the purpose of investigating the situation.

After pointing to the unsoundness of the existing funds the commission recommends their abolition and the establishment of a new general system that would embrace the entire municipal service and operate on an actuarial basis. The system is to consist of four funds. Three would cover the three groups now provided for and the fourth, all those not now provided. Each fund is to be managed by a board of five members, three of whom are to be representatives of the employes. It is proposed to create a permanent commission that will supervise the operation of the four funds.

The project follows the precedent of the Massachusetts system in that it sets the same uniform rate of contribution for entrants of all ages, and provides upon retirement whatever annuity the accumulations will provide. But it differs in that the contribution consists of several elements, and the division of cost between the employer and the employe is unequal. For superannuation the employes contribute 3 per cent of their salary and the city 9 per cent in case of policemen and firemen and 6 per cent for other employes. For annuities to widows in case of ordinary death the employes pay 1 per cent and the city $2\frac{1}{2}$ and 2 per cent for the uniformed and ununiformed classes respectively. Ordinary disability is covered by a contribution of $\frac{1}{2}$ per cent each from the employe and from the city, and administrative expenses by $\frac{1}{8}$ of a per cent from each. Disability and death in performance of duty and children's benefits are to be paid entirely by the city. To summarize, the employes will contribute about 4.6 per cent if men and 3.6 per cent if women (the difference being due to the 1 per cent contribution for widows' benefits paid by the men but not by women), while the city will pay 13.75 per cent for policemen and firemen, 9.75 per cent for other male employes and 7.50 per cent for women. In addition the city will pay whatever the accidental disability and accidental death benefits will cost, pay all the pensions granted under the old laws and now outstanding, and furthermore make up its contributions at the rate of 9 and 6 per cent for all prior years of service of its present employes, with compound interest. As the sum of these past contributions is considerable, being estimated at almost $9,000,000, it is proposed to raise it by means of equal annual instalments during a period of 40 years. The obligation under the existing pension roll is also to be liquidated by means of equal annual instalments during the same period. It would appear that the total contributions of the city on account of all the items would exceed in the police and fire funds 20 per cent of the payroll during the initial period.

Retirement is allowed on superannuation at the age of 57 for policemen and firemen and at 65 for other employes, provided the employe has rendered 15 years of service; or before that time in case of ordinary or accidental disability. The benefits are as follows: In case of superannuation an annuity of such amount as the accumulations will provide, in case of ordinary disability (including sickness of more than 15 days' duration), an annuity of half pay but payable only for a short time, maximum one fourth of the time of his total service and in no case more than five years, substituted thereafter by such annuity as the accumulations will provide; and in case of accidental disability an annuity of 55 per cent of the salary payable until superannuation, and substituted then by an annuity depending on the accumulations. While the annuity of 50 or 55 per cent is paid the employe and the city continue to contribute so as to swell his eventual accumulations.

The widow is entitled to an annuity purchased by the combined contribution of 3 or $3\frac{1}{2}$ per cent. If the death occurs before retirement she is entitled to an additional annuity from the contributions of 6 or 9 per cent made by and on behalf of the employe for his regular retirement, provided that the total annuity does not exceed the one to which she could have been entitled had he lived until regular retirement. In case of death in performance of duty the widow is entitled to such an annuity as she would have received had her husband lived until regular retirement.

In case of resignation or dismissal the employe is entitled to his own contribution with interest, and if he has rendered 10 years of service or more, also one-tenth fraction of the accumulations from the city's contributions for each year of service above 10. In other words an employe who rendered 20 years of service will upon resignation or dismissal receive not only his contributions but also all the contributions made by the city on his account, with interest.

III

Students of the pension question will differ in their estimation of some of the main features of the Milwaukee project. Some will criticize it because of its failure to regulate the benefits by graduating to some degree the rates of contributions according to entrance age; so that the younger entrants should not pay more than necessary and the older entrants less than necessary to secure adequate benefits, and that the annuities provided by the accumulations should not be too large in some cases and too small in others. Others will praise it for this very failure, because of the complications involved in the graduation. Some will regret that no comprehensive investigation has been made of the mortality in the various occupational groups of the Milwaukee service and no tables reflecting the mortality have been constructed (as this has been done in several states and cities), but a general experience table (the so-called American experience), which takes no account of the different risks of men, women and occupational groups and cannot be fully appropriate to the case, has been adopted. Others will approve this method, because of its ready-made, though crude, result. Those who consider the tendency of existing systems towards an equal division of cost between employer and employe sound will question the wisdom of the feature making the employer's share from two to three times that of the employe and the resulting burden rather considerable; while others will welcome this very feature. The refund of the employer's contributions (apportioned according to length of service) will be criticized by some as extreme or perhaps somewhat precipitate and praised by others as eminently just.

The life insurance feature, which is provided in the plan by means of savings (by the employe and the city on his account) will raise in many minds the question: Once life insurance is given so prominent a place as, very commendably, has been given in this project, should it not have been founded to a greater extent on an insurance than on a savings basis? A premium of 3 or 3½ per cent of salary will accumulate a sum of a hundred or a few hundred dollars at the utmost in the early years. Should death occur then the annuity to the widow purchased thereby will be a mere pittance. The same premium on an insurance basis, that would average the risks, would provide a sum ranging between $2,000 and $4,000. The contingency of death in the early years is probably most disquieting. It is true, the plan somewhat relieves the pressure by providing at the expense of the city annuities of $10 per month for each child, or $15 if there is a widow. But these sums are small and it may be said with some foundation border too much on poor relief and only emphasize the desirability of a more effective insurance provision.

There may be disagreements on these and other points of the plan, but there will be substantial agreement on one fundamental point: the Milwaukee plan is based on an actuarial reserve basis, and to that extent will be financed soundly. It certainly deserves enactment and admission into the family of sound actuarial pension systems.

"What Do the Sixty Per Cent Want?"—A startling revelation of the fundamental causes of national discontent, by the father of the Own-Your-Home movement; endorsed by manufacturers, business men, labor leaders, statesmen, editors, clergymen, students of sociology. The only survey of the kind that has been published, Ten copies mailed postpaid for $1. Discount for quantity orders with special imprint. J. W. BURKE CO., Publishers, Macon, Georgia.

Adv.

COUNTRY PLANNING AND NATIONAL FORESTS

BY W. B. GREELEY
Chief United States Forest Service

How shall we plan to secure highest returns from our forests in timber, agriculture, health and recreation? It is a nation's job. ::

I TAKE it that "country planning" is a younger sister of the earlier movement for the conservation of natural resources. The basic idea of each is the same. Each is a challenge of the theory of laissez faire, whether applied to our forests, water resources, and agricultural soils, or to the lives of women and children employed in factories, to rural communities, or to country highways. Each is the assertion of intelligent, plan-wise community effort, whether the community be village, state, or nation, in order to serve the highest interests of the community in the long run.

The national forests to-day contain 156 million acres. To the large areas of public timberland which have been kept in this form of national ownership, chiefly in the west, have been added nearly two million acres of mountain forests in the Appalachian ranges, purchased under the Weeks Act for the primary purpose of protecting the watersheds of navigable streams. This vast area of publicly owned forests represents a national enterprise of no mean proportions. Its varied resources offer almost unlimited opportunities for public service. They embrace the headwaters of hundreds of important streams which are feeders of waterways, irrigation, and water-power development, and whose protection as water sources is a public function of the highest importance. They contain about one-fourth of our dwindling stocks of timber whose protection from fire and use under methods of cutting which perpetuate the forest will contribute in no small measure to our future supply of wood and its many products. They contain large areas of denuded forest land which is being brought back into productivity, sometimes by protection from fire alone, in other cases by planting, and is growing raw material for the sawmills and paper factories of the future. They contain extensive mountain pastures which furnish summer forage for some ten million cattle, sheep and other range animals, and are thus an item of no mean importance in supplying the national larder. They contain a great and little appreciated resource in wild life, not only the big game but the fish, small animals, and birds which have meant so much to the outdoors of America. And they contain literally unlimited opportunities for public recreation.

PLAN-WISE DEVELOPMENT NEEDED

I question if any public enterprise rests upon the basic ideas of country planning so largely as the national forests. This conception must underlie the development of each resource by itself, and secondly the development of all of them as a whole. It is not sufficient simply to cut their full-grown timber under methods which will speedily restock the ground with young trees. The yield of wood from these public properties must be made stable and permanent. The national forests have an important economic relation as producers of raw material to local communities and industries. In many instances they stand as the principal means of livelihood for manufacturing communities and large groups of labor and as the provider of raw materials for many industrial enterprises.

This economic relationship to surrounding communities and industries must be made stable. The sawdust piles and abandoned mill towns of forest regions in the east must not be duplicated in the public forests of the west. The great problem of depleted raw material which now confronts so many forest industries in New England, in the lake states, and in the wood-manufacturing centers of Illinois and Indiana must be foreseen and solved before it appears in developing the forest properties of the nation itself. The current use of their timber must be limited to what they can produce; and this material must be utilized by means which spell the most permanent industrial development and the most stable community life in the national forest regions. And thereby will we attack directly one of the social problems of the west, the problem of the nomadic lumber jack, product of the roving and unstable lumber camp, the man who often turns bolshevist solely because he is homeless and voteless and has no community roots.

NATIONAL FORESTS AND AGRICULTURE

Take another illustration of the need for plan-wise rather than catch-as-catch-can development of the national forests. They grow each year enormous quantities of summer forage which should be utilized for the production of livestock. Now it is one thing to make this forage available to cattle and sheep during the summer months under control sufficient to protect growing trees and stream flow, to give each kind of livestock its allotted place, and by simple rules of fair play to have the cowboy and the sheepherder dwell together in peace and goodwill. But it is another thing to utilize these summer pastures so that they will support stable agricultural communities instead of nomadic herdsmen who summer in the timberlands and winter on the deserts over the divide; to encourage and maintain 20 or 30 homesteads instead of a single huge stock ranch; and to bring into use the undeveloped agricultural land in the valleys below the national forest ranges for growing winter forage which supplements the summer pastures. Just as the national forest timber should support permanent industrial committees with their groups of homes and their coterie of workers, so the national forest ranges should support stable communities of farmers who will develop to the maximum the agricultural lands in their regions and, between the summer range in the mountains and the valley haystacks for winter feeding, make the largest total contribution of meat and hides and wool to the nation's supply.

SUMMER CAMPING AND FISHING

The development of recreation and the conservation of wild life show further needs for foresight and careful planning in the endeavor to make these public resources of the greatest public service. First come the camper, fisherman, or hunter, seeking the trail or the spot which will take him off the beaten path and give him the freedom of the hills. Then come the tourists, hundreds of thousands of them, who stick to the high roads but none the less crave the joys of the open camp-fire. Then we have the community camp, the Boy Scouts' camp, the Y. M. C. A. camp, and fresh air camps for large cities. And then comes the family seeking some bit of shady ground where they can pitch their tent, or build their log shack, or erect a palatial cottage and make a summer home for occupancy year after year. And then comes the summer hotel with its large requirements in grounds and facilities. The doors of the national forests are open to them all. There is no use of these areas that will return a greater gain to the people of the United States in the long run than the health and recreation offered by their pine forests, their mountain streams, and their high ranges. But it is no small task to fit each of these desirable forms of recreation into its proper relation with the others.

ALL RESOURCES MANAGED AS A UNIT

A plan-wise development of each important resource of the national forests is a clear-cut necessity. But this necessity is still more absolute when we consider their resources as a whole. The harvesting of timber crops must in many instances be adjusted to the protection of watersheds of special importance for irrigation or power. Good forestry for the production of wood is not always good forestry for the regulation of run-off. Timber use must often be adjusted to the preservation of fine scenery or of beautiful surroundings for recreation areas. The reservation of belts of uncut forest bordering well-traveled roads, camp grounds, or groups of summer homes is a fixed policy of the forest service. Water-power developments must be fitted into the use of watersheds for other purposes, including the utilization of their timber and opportunities for recreation. What we are seeking is a carefully planned, well-rounded development of these resources which will render them, *as a whole*, of the maximum public service in the long run. The starting point is usually to determine what particular form of use represents the dominant public benefit to be gained from a particular national forest area; and to build up on that, fitting other uses of the forest or land into the places which they can properly occupy without impairing the use of dominant benefit. And I question if any enterprise in country planning is more fascinating or contains greater possibilities than the development of the national forests along these lines.

TIMBER SHORTAGE

The wisdom of creating public forests as a national policy is demonstrated to-day more clearly than ever before. Many of the forest regions of the United States which hitherto have contributed most largely to our national lumber pile are exhausted or approaching exhaustion. The forest industries of the country are moving westward. We are experiencing in the shortage or high price of important forest products, like newsprint and many grades of lumber, not alone a temporary condition arising from the evils of inflation, but in part a permanent condition due either to shortage of the old supplies of timber, or to inability to increase production from the old sources of raw material. The people of the United States are fortunate, indeed, that in working out the economic problems arising from a diminished supply of wood, an essential raw material, they can fall back upon these publicly owned resources not only in standing timber but in forest-growing land.

More than that, public forests will to a large degree set the pace and lead the way toward a continuous production of timber on all of our forest lands, toward the time when we will supply ourselves with wood as we supply ourselves with wheat, by successive crops of timber grown on forest land with intelligence and care. Every public forest is like a settlement house or a community center in a tenement district. Its influence extends over the neighborhood. It becomes a center of actual demonstration and practical education in forestry methods. Co-operative effort among timberland owners for the prevention of forest fires is built up around it. In its methods of cutting and growing timber, its disposal of fire-breeding slash, its demonstration of the actual costs and results of forest practice it carries conviction to the private owners of timber round about where argument would be fruitless. It will be true in the United States as it has been in France, in Sweden, and in Italy, that a core of publicly owned forests under technical public administration is the pivotal point in national progress toward the right use of all forest lands.

PUBLIC FOREST OWNERSHIP

Aside from what they are in themselves, the national forests stand for the principle of public forest ownership. This principle has a definite place in nation-wide planning. It will hold with even greater force in the future than in the past. The United States contains 80 odd million acres of idle forest land, whose original growth has been removed by logging or fire and whose devastation is so complete that it might almost be classed as part of the great American desert. These areas, or most of them, can be restored to productive forests only by artificial methods; and by and large that is work for the nation or state rather than the individual. We still have many watersheds upon which manufacturing centers depend for their source of power, or large communities for domestic water, or agricultural regions for irrigation, or inland waterways for navigability, but on which the protection of the precious sources of water is still left almost wholly to chance. Indeed, many acute problems arising from the effect of forest denudation upon water sources are making themselves felt, such as the lowered water table in Indiana and the dropping level of some of our Great Lakes, not to mention the ever-present hazard of destructive floods.

From every standpoint, not alone of economic needs but of preserving the charm of woodland in country America, of conserving our wild life, and of affording greater opportunities for recreation and health to the masses of our people, there should be a large extension in public forest ownership. Under the Weeks Law of 1911 the federal government definitely embarked upon acquiring the upper watersheds of important navigable rivers. Thus far nearly two million acres have been purchased under this far-sighted and constructive act toward a program originally fixed at six million acres for the protection of navigation alone, in the Southern Appalachian ranges and in the White Mountains. The extension of these national purchases has been brought to a halt by the exhaustion of federal appropriations. They should be carried forward on a much larger scale, not only to complete a comprehensive plan for the protection of important watersheds in the eastern states, but also to include denuded lands which can best be restored to productive forests by the federal government.

There is every reason as well why the several states should participate in the extension of publicly owned forests. There will be no conflict between state and federal activities in so large a field. A number of our states have shown commendable enterprise in thus building for the future welfare of their own people and industries. New York has built up a series of state forests now aggregating 1,838,000 acres, serving chiefly as state parks. Pennsylvania has acquired 1,037,000 acres, principally cut-over and second growth lands, which are now being brought back, under state direction and care, to productive woodlands, and will restore something of the former prestige of this great commonwealth as a land of forests. No more admirable step in this direction has been taken than the recent action of Massachusetts in initiating a plan for the purchase of 100,000 acres of denuded forest lands which are not only to be acquired by the state, but immediately planted so that they may be restored to productivity without delay. Every development of this character, whether through federal or state action, is a direct advance in the solution of our national forestry problem with the many economic and social phases of national life which depend upon it.

REDUCING UNEMPLOYMENT BY PLANNING PUBLIC WORKS

BY JOHN B. ANDREWS

Secretary, American Association for Labor Legislation

WHENEVER a tidal wave of unemployment sweeps over the country there are anxious questionings as to responsibility and as to failure to utilize certain definite measures of prevention. Distress—bread lines—soup kitchens—are but the final sharp reminders that lack of forethought is costly. Significantly, with each of these ever-recurring industrial depressions, it is becoming clearer that the only remedy for unemployment is employment.

As most work is carried on under private management it is natural that the chief responsibility for regular employment should be thought of as falling upon private employers. But the managers of public activities—though directly controlling fewer employees in the aggregate—are in a double sense concerned. Not only is a municipality, for example, under special obligations to avoid for its own employees the distress due to irregularity of work; it is also likely to be charged with part of the cost of maintaining—at least above the starvation line—those who are laid off from private employments.

This two-fold responsibility has naturally suggested that municipalities should at least furnish to their own public employees the assurance of regular work throughout the year. To this there has been added a second proposal, that a part of public work be reserved during those seasons of the year when there is greatest activity in private industries, and pushed forward with vigor when such industries are slack. But in addition to public work so distributed as to reduce seasonal unemployment there are great cyclical periods of industrial depression, coming perhaps at ten-year intervals. It is urged as a third proposition that these emergencies, less frequent but no less certain, should be similarly met to some degree by reserved funds for timely expenditure upon public works. Public work, it is thus argued, should be made to act as a sponge, absorbing in bad years as well as in slack seasons some of the reserves of private employment, and setting them free again with the return of prosperity in private business.

WHAT CITIES HAVE DONE

Of course these suggestions are not new. During the severe unemployment crisis of 1914–15 over 100 cities throughout the country made special provision for carrying on public work of various sorts, such as sewer-building, street and road-making, quarrying, forestry, drainage, waterworks, building, painting, and even clerical duties. The work was maintained for periods ranging from less than a month to more than six months; thousands of men were employed in from two-day to two-week shifts, and hours and rates of pay were as a rule the same as for regular employees on the same grade of labor. In the majority of cases the officials in charge declared that they had secured full efficiency from the workmen, while some even stated that necessary work had been done at a distinct saving.

Many cities in the United States were found speeding up their public works in the early months of 1921, for the purpose of avoiding a wasteful temporary-relief treatment of the unemployed. This was, at least in part, the incentive which led New Bedford to hasten the construction of much needed new schools; Cleveland to hasten toward completion the construction of six large public works costing $15,000,000; Minneapolis to sell bonds amounting to $980,000 to finance public work; Philadelphia to consider spending a million on street repaving; and Milwaukee to plan public works expenditures totalling $10,000,000 in 1921. Smaller cities from Worcester and Lynn to Seattle and Yakima reported work undertaken under public auspices to relieve unemployment. Detroit's appropriation of $716,000 for the relief of the unemployed was followed by the mayor's recommendation that the city begin immediately the construction of a bridge over the river to Belle Isle, for which $3,000,000 was voted at the previous municipal election. And an interesting suggestion in Jamestown, New York, found expression in a resolution adopted by the city council, which favored taking over temporarily the closed down local brick yards for the purpose of manufacturing the 2,160,000 bricks needed by the city for the next summer's street paving.

There is always danger in time of an unemployment crisis that all officials will not distinguish sharply between "made" work—sometimes foolishly urged in time of emergency—and public work that is useful. Experiences with emergency work have not always been gratifying. Poor work, increased expense to the community, and political favoritism in the selection of applicants are among the faults which have frequently interfered with the accomplishment of expected results. On the whole, however, the conviction has been growing that these flaws are not inherent, but due to poor administration, and that, if properly managed, emergency work can be made an important agency in maintaining during slack periods the labor reserves needed when industry is booming.

ANTICIPATING HARD TIMES

It is encouraging to find an increasing number of cities recognizing their responsibility for dealing more intelligently with unemployment. Many of them in their methods already distinguish between the unemployable and the unemployed. That is a great gain. But there is still too little forethought given to the important public task of anticipating the fluctuating demands for labor. Some cities, it is true, have established public employment bureaus which are rendering a valuable social service in furnishing information to individual employers seeking help and to individual workmen hunting jobs. This is an important public function which in neutral and efficient hands justifies itself in somewhat the same way that our system of public education has been justified. But probably no city in this country has yet utilized these employment information stations as a part of its long-time advance planning of public works expenditures. The principal reason for this is not, as might at first be supposed, the inefficiency of the public employment service. Some of the bureaus have information of great value. Moreover it is no longer a lack of information in the hands of specialists in credit matters, that prevents public officials from predicting with reasonable accuracy when business depressions are coming. On this part of the problem real scientific progress has been made. The arrival of business depression with resulting unemployment can now be predicted months in advance. Lack of progress by our city officials in planning to meet unemployment crises is due in most instances to a failure to give any consideration at all to efforts to counteract fluctuations in the labor market as an item in determining the proper time for expenditures upon public works.

There are, of course, additional reasons for this lack of forethought regarding unemployment. Some of these are perhaps inherent in our two-party political system with the temptation to "make a record" under the name of *economy*, which so frequently turns out to be false economy. Some of the difficulties are bound up with legislative restrictions which with care might well be changed. Extensive public work is frequently impossible because of charter limitations on the expenditure of local money. For example, the common council of Bridgeport, aroused by much unemployment and the threat of more early in the Winter of 1920–1921, authorized a $500,000 bond issue for public work. Under its home rule act, the city could issue bonds upon a referendum, but when the state legislature is in session it is usually both quicker and cheaper to get authority from the state capitol. And weeks later Bridgeport was still waiting the desired approval of the legislature. Since most state legislatures meet in regular session but once in two years, reliance upon their action after a crisis has developed is likely to result in disappointments and costly delay.

However, despite many perplexing obstacles, cities in various parts of the world are now attacking the problem of unemployment with a sense of community responsibility. It is at last coming to be recognized, also, that to wait until the emergency has overtaken the community before the movement to provide public work is set on foot is wasteful and productive of unnecessary hardship. Public officials are more and more turning their attention to preparing in ordinary times for the period of stress which experience has shown is likely to follow in a few months or a few years.

In France and Germany the policy of pushing public work in slack seasons has had a considerable development under municipal control. In London, since 1905, the policy of giving temporary relief employment has been embodied in the law by which the central administrative body is authorized to provide temporary work for the unemployed. But far more important is the growing practice of planning public work longer in advance to meet coming slack periods.

POSTPONEMENT OF WORK UNTIL PERIOD OF UNEMPLOYMENT

In a survey made under my direction in 1915 of the experience of 115 different communities in attempting to deal with the exceptional unemployment of that year, it was found that many American cities were then intelligently planning to do their part toward avoiding similar disaster in the future. Several progressive communities made specific plans to reserve work on unimproved parks, sewers, and streets for future periods. Several, also, without planning definite undertakings, issued bonds or established contingent funds to provide the resources when needed. In Alameda, California, a special annual tax of one cent on each $100 of taxable property was established in 1915 to provide a fund for hiring on public work "unemployed or indigent residents."

Possibilities for improvement in present practices were shown by more intensive studies in several cities, including Boston. It was found, for example, that Boston's experience with a working force in contract paving jobs ran as shown below.

This tabulation, as F. Ernest Richter pointed out at the time, shows a striking correlation with mean monthly temperatures, but an important influence is the ending of the fiscal year on January 31. Although the budget is made up in November, the council with new members which must pass on the budget sits first in February, and it is April or May before many new contracts can be let.

Contrast the above with possibilities in Courtland, New York, where the charter gives the public works department power to pave or repair any street, build sewers or lay water-mains without a public "letting." It was found in December, 1915, that the Courtland board designates work upon streets three years in advance and keeps its labor constantly employed. The board, by the way, was non-partisan and had been in office twenty-one years.

In May, 1919, W. Clifford Clark, of Queens University, sent a questionnaire to 50 Canadian cities, and from 36 replies learned that at least eight of these cities construct sewers or water-mains during the winter months as definite policy. Thirteen of the other cities had adopted this plan on occasion to relieve unemployment. The kinds of work pronounced highly or fairly successful in winter were sewer work in rock, tunneling, deep excavating, heavy cuts and fills in grading work, concrete construction in large bulk (such as heavy bridge abutments), and construction work in swamp sections where sub-surface water prevails. The degree of success is often dependent on preparation made before the ground is frozen, especially in some construction work where shafts should be sunk before the extreme cold weather.

For a decade Duluth, Minnesota, has reserved much of its sewer work for winter, and reports that the frozen surface proves of decided advantage in retaining the walls of the trench and

PER CENT OF MAXIMUM EMPLOYMENT BY MONTHS IN 1912 AND 1913

	Jan.	Feb.	March	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
1912................	3	6	12	47	78	100	89	95	92	96	93	24
1913................	0	0	2	26	65	92	100	92	99	74	88	32

that the cost of construction is no greater than in summer. Other cities have experienced a slightly increased cost in winter construction, which they maintain is counterbalanced by a smaller outlay for charity relief and by the greater efficiency resulting from keeping the regular force of workers intact throughout the year.

Such foresighted arrangement of public work is capable of considerable extension, and may be efficaciously used to counteract in some degree cyclical as well as seasonal fluctuations. The English statistician Bowley estimated that if in the United Kingdom a fund were set aside for public work to be pushed ahead in times of depression, an average of $20,000,000 yearly, or only 3 per cent of the annual appropriation for public works and services, would be sufficient to balance the wage loss from commercial depression. If his suggestion were generally accepted, in each community or country a program of the amount of public work contemplated for several years in advance would be laid out and then carefully planned to be executed in the lean years. Thus public work, instead of declining and thereby accentuating the depression, as is now often the case, would exert a strong influence toward stability. European experience shows that it is essential to the success of such a program that the work be done in the ordinary way, the workers being employed at the standard wage and under the usual working conditions and hired on the basis of efficiency, not merely because they happen to be unemployed.

During the brief period of unusual unemployment in the Winter of 1918–1919, there was a very general resort to the remedy of public work. A large amount was readily available, since all but the most necessary projects had been postponed during the war. The federal department of labor listed 6,285 pieces of work to cost $1,700,000,000. In Ohio and New York the governors called special conferences of state and city officials with a view to pushing public works. It is difficult to learn the exact effect of this and of similar action in a number of cities, but in the opinion of the special employment assistant to the secretary of war, such activity was the main cause of the decline in unemployment which began to be noticeable by the Spring of 1919.

CHARTER LIMITATIONS HAMPER

As the use of public work for relieving unemployment has spread, city officials have increasingly felt the hampering effect of charter limitations on the expenditure of money. Many makeshift devices have been adopted for defeating these restrictions, such as raising money by public subscription, borrowing without interest, or transfer of funds between departments, and in some cases business men have had to furnish bonds to save the city officials from liability. Consequently the conviction has been growing that budgetary methods and, if need be, city charters must be modified to permit greater freedom in the use of money for these undertakings.

The principle under discussion has taken firm hold among those interested in combating involuntary idleness. In 1913, as the result of careful studies in many countries, the following recommendations were laid before the International Conference on Unemployment: (1) That public works be distributed, as far as possible, in such a way that they may be undertaken in dull seasons or during industrial depression; (2) that budget laws be revised to facilitate the accumulation of reserve funds for this purpose; (3) that permanent institutions be created to study the symptoms of depression in order to advise the authorities when to initiate the reserved work; (4) that such work as land reclamation and improvement of the means of communication, which would tend to increase the permanent demand for labor, be especially undertaken; and (5) that in order to secure the fullest benefits from the reserved work, contracts should be awarded not as units, but separately for each trade. The first official International Labor Conference, meeting at Washington in October, 1919, recommended to Member countries that they should "co-ordinate the execution of all work undertaken under public authority, with a view to reserving such work as far as practicable for periods of unemployment and for districts most affected by it."

In 1921—with three and one-half million less workers employed in industry than a year earlier—it was interesting to see American legislators introducing resolutions in congress and in state assemblies declaring that "it is sound governmental policy to prosecute public works during periods when labor and material are not fully absorbed by private industry." It is significant also that they recognize that "the immediate prosecution of such public works will give employment to large numbers of persons now seeking employment, not only directly on the public works, but indirectly upon the manufacture of the materials required."

Public interest in this subject is increasing. There is special need now for further study by experts in municipal government to determine what are the best means of overcoming political obstacles that make unnecessarily difficult the planning of public works to reduce unemployment.

WHAT ABOUT THE COUNTRY HIGHWAY?

BY J. HORACE McFARLAND

President American Civic Association

ANY discussion of country planning that fails definitely to consider the highway problem would be as actually effective as was the house plan of an amateur friend of mine who was all too proud of his self-sufficient ability to devise a home building. Everything was there on the two main floors—living-room, dining-room and kitchen, bedrooms and bath—but he had omitted to provide or leave room for a stairway from one floor to another. We may plan for farm betterment, for community relations, for the social and economic life, but without the connecting highway they cannot function.

In order to clear myself of any assumption of expertness as to the actual physical detail of highway construction, let me confess that I propose to use the title and the occasion only to bring forward certain theories in respect to highways in America. I claim no originality for these theories, which as I shall state them will resemble in that respect certain motor-cars that are assembled from purchased parts rather than built from original designs. I will be indeed fortunate if my gathered theorizing travels as well as some of these assembled automobiles.

WHAT IS A COUNTRY ROAD FOR

What is a country road for? Is the answer that it is a common way to connect homes and towns the only answer? Is it a mere means of connection between two termini? Or is it a vital artery with many branching minor arteries through which flows the very life-blood that keeps alive the country?

Is the country highway solely for vehicular travel and for such bipeds and quadrupeds as may "take chances" with wagons, trucks and touring-cars indiscriminately? Or ought it be useful, comfortable, restful, for the foot-passenger as well?

What ought the country highway to look like? Is it better the middle-states winding way, passing close to the homes of the countryside, bordered with wire-carrying poles, twisting about according to the political pull of the abutting farmers who wanted this or that field touched or avoided, or is it better a new white gash of concrete, treeless but pole-bordered, straight at all hazards, and denatured of any suspicion of beauty in itself or of any possibility of beauty of prospect?

Let us get on a little further in inquiring about the country highway. As it settles into permanent construction, as it comes to be more largely used by the traffic which the failure of the railroads and our shameful neglect of waterways force upon it, is it to enter every village en route, absorbing the main "street" of that village, and being disturbed in its real function by the varied and interesting even if often silly regulations which the local authorities put upon it? Is this road further to be localized in towns and townships, in boroughs and villages, each with a jurisdiction that intimately relates to the comfort and usefulness of it?

I have asked what the country highway ought to look like. In the knowledge of a growing movement for tree planting and other planting along these country roads, is it not in order to inquire about that planting? Shall we have many miles of the treeless, unshaded roads which are the ideal of at least some influential road engineers who fear alike the roots and the leaves of the trees; shall we plant a whole state in prim and formal trees, or shall the road reflect what God planted in that Garden of Eden which is nearly all of America?

Then this country highway must have signs to inform the passing user of it. Shall these be actually informing, giving the traveler conveniently what he needs of direction, night as well as day, or shall they continue haphazard, illegible, infrequent, inaccurate, aggravating? Shall there be other signs, those of private advertising, thrust upon the unwilling eyes of the passing public, often introducing danger by obscuring corners and nearly always hiding some feature of the countryside that might gladden the eye or ought to provoke the clean-up spirit?

RAILROADS *versus* THE COUNTRY ROAD

Consider the transportation situation of 1920. The railroads are not moving the goods and passengers of the nation with the certainty and celerity which the nation needs. Enmeshed in the coils of former financial webs spun by the spiders of high finance, they are not possessed of that public confidence which would bring them the money they need for rehabilitation and extension. Twelve years ago that prophet as well as prince of the rails, James J. Hill, said they were a quarter century behind the needs of the nation, and they have lagged behind since. Intertwined with a little realized graft of unlimited free transportation given to employes and their families, more than one passenger car in every four is filled with deadheads, joy-riders, at the expense of the ill-served public. The cost of the railroad ton-mile has been recently increased more than a third, and its uncertainty is steadily increasing, to the painful disadvantage of the business public. The increase in the passenger-mile charge, taking into account over-night accommodations, has been about equal.

But compare the automotive transportation situation for a moment. Better and heavier trucks, operating at lower ton-mile costs, with only one handling of the goods, with a schedule certainly better than the best days of the railroads, made up of individually small units which make extensive and delaying wrecks impossible, it seems certain that the higher grade items of manufacture as well as perishable commodities will come to be transported on our country highways. A family may easily now figure definite economy even with the present road inadequacies in its trips for hundreds of miles by motor, having on the plus side the added convenience, comfort and pleasure. Commercial concerns maintain now fleets of small cars in which their travelers cover the country to much better advantage than is possible by rail.

If it be objected that automotive transportation depends upon the shrinking gasoline supply, I may retort that railroad transportation depends also on the shrinking coal supply, and I predict that a motor fuel produced from crops that grow on the land, which may be not only renewed but vastly expanded so long as the sun's rays endure, is likely to be in evidence long before the railroads are using electricity generated by waterpower—just another form of dependence on solar energy, by the way!

Will we have aquatic country roads by and by? Surely yes; self-preservation will force the development of our waterways and the creation of a canal system, but all that is far in the future, and can be expected to take care of additional, not present and immediate social transportation needs.

Indeed, my theory that the demands upon our country highways will rapidly and enormously increase is less a theory than an immediate fact. Seven million automotive vehicles run to-day where hardly seven hundred ran in the first year of this century, and these seven million generally "get there," as their earlier predecessors did not.

The country highway problem is one of to-day, rather than to-morrow. It may be left to casual and provisional or partial solution, or it may be fairly faced and managed progressively for the better welfare of the nation. It may, like "Topsy," "just grow," or it may be logically planned.

But this country highway problem is not a problem of the open country alone, by any means. It meets the city at every turning, and the city must pay and does pay its heavy proportion of the cost of better roads and more roads. If some of my dreams come true, the city will pay yet more of the cost of the country highway system.

A HIGHWAY SYSTEM

It is of highway *systems* that I have dreamed, and for which I hope. Many good systems have been proposed, and some have been undertaken, but none, I believe, looking quite so far ahead, or serving the whole people quite so well, as the system of my dreams.

I have some acquaintance with park systems. In a well-considered city park system it is expected that no citizen need go more than a half mile to find the saving strip of green upon which other park utilities are embroidered. Thus the park system must be so thought out and placed as to be comfortably accessible to the people of the city, and it should as well look toward similar service to future population.

Just so the country highway system needs to be planned. There will be, I hope, great trans-state and transcontinental highways, north and south as well as east and west, written on the map along trade and contour lines, and worked into fact as rapidly as it can be well done. These highways, I am reminded, if they are thought out in the proper fashion, may be of vast potential benefit in the sad event of a war in which the United States would be attacked. We must not forget that it was the ability of the French to concentrate over a system of roads their men and munitions that made the battle of the Marne less a tragedy, and probably kept the Hun off this land.

But of this matter of country highway location I care to speak little. The sheer economics of the situation will force reasonable adequacy in that direction. The dream I have several times mentioned does not elaborate the desirable defensive possibilities of a great highway system. It does definitely concern itself with that quality of these highways that would make them dependable because they were relatively independent.

When the Bell Telephone Company worked out its transcontinental highway for speech so that the man in Boston may comfortably converse with the man in San Franciso, the great wire lines avoided populous places so far as practicable. I am told that in 3,000 miles of wire, but five city exchanges are stations, though any hamlet, any town, may by arrangement cut in upon that through highway of talk for successful use.

So I would see in the country highways of the future those that passed by but not through communities, which by branches would be served adequately. The main artery of the country's life-blood would run straight and free, and incidents of local congestion, local regulation, and sometimes of local strangulation, would not occur.

These great transcontinental ways would be supplemented and paralleled by the local highways, sometimes running with them and sometimes departing from them.

While I have pledged myself not to discuss intimate highway construction problems, I may be pardoned for referring to one or two features that fall under the eye of the engineer. These broad through country highways would be built in lines of travel, I hope, so that there should be the least waste of expense and material. With the highway policy there would go reasonable determination of the ultimate width of any vehicle which might use those highways, and of the ultimate weight which might properly be placed on any wheel of one of these vehicles. If, for example, it should be determined that no vehicle would be permitted on the highway ordinarily using more than six feet of its width, then the roads could be figured in eight-foot units, and a road would be 16, or 24, or 32 feet wide, so far as the vehicular space was concerned. Too many times road widths are settled without reference to travel lines, and are upon a decimal basis.

Just as the carrying power of a railroad rests upon the clearance and strength of its lowest and weakest bridge, so will the carrying power of a great cross-country highway relate to the limitations of width and length and weight, as well as of speed to be imposed upon it. It will be built with a safe margin beyond these limitations, but the limitations will be enforced.

I have thought that such great highways would come in time to be supplied through commercial enterprise, but preferably under reasonably strict regulation as to proximity and accommodations, with suitable renewal stations for supplies and fuel, repairs, and, sometimes at least, food and shelter. The railroad must have its water-tanks and its coal-pockets, and the cross-country highway must do as well for its users.

BEAUTIFY THE HIGHWAY

I would have this country highway system thoroughly, plainly and intelligently marked with all the signs and directions necessary, and marked as well by the absence of every sign that is not necessary. I do not conceive that the needs of the highway require any announcement on it of Glenwood Ranges or Coco-Cola, wherefore the billboard in this highway dream of mine would be just a little back of the line of non-visibility from the highway's center!

Poles, wires, electric conveniences I presume would be along these roads, although each year sees the growth of the underground system with its much lower maintenance cost which puts the wires where they belong. When poles and wires were permitted on this ideal road system their place would be designated and their character determined, so that the least danger and the least offense resulted. Under no conditions would they be the chief dominating and determining feature of the highway as they are to-day on thousands of miles of desecrated roads.

Speaking of signs and billboards brings me to the most cherished part of this dream of good roads. I would keep off or conceal the dead tree decorated with wires, but I would have on the roadside the live tree bedecked with leaves. The scheme of planting would be integral with the whole road design, and I should expect that for reasons which hardly need more than mere statement each state and each distinct plant habitat of each state would reflect along the road not only with the proper trees of that locale, but with the proper plants.

Straying off the state highway during midsummer of this year, I found myself motoring along an easy mountain road which paralleled the Pennsylvania railway. It was a tree-shaded, pleasant way, and some miles of it were made notable by the bloom of the maple-leaved viburnum, evidently particularly characteristic of that neighborhood. This brought to mind a road in Franklin county, Pennsylvania, bordered with rhododendrons and laurels because rhododendrons and laurels belonged there, and it gave me mental glimpses of roads in which the incident had been the wild rose in its blooming loveliness and in the graceful abandon of its long canes when the flowers were off.

There would be, then, roadside planting, not of thickets, not of purchased exotics, not of trees which some one liked because seen in a totally different climate and environment, but of the native things that would suggest themselves by their appropriateness and beauty. The trees would, of course, always be those which take themselves up well from the road surface and leave the primary purpose of the road to accommodate traffic stand paramount.

Roads are being planted for memorial purposes in this nation. Not long since I had great gratification in meeting with the Woman's Club of York, Pennsylvania, which live organization was doing its memorial work through organized planting of many miles of the Lincoln Highway in the native trees that would so well become it. In the state of New York certain memorial roads have been planted, and right now a movement is on foot spreading from Auburn toward promoting what is called the "rosification" of the roads in its allusion to the setting out of hardy suitable roses to take the place of briars, docks and the other weeds which the ordinary handling of roadsides by the ordinary type of road supervisor actually encourages.

These planted roads would be beautiful in themselves. They would be more enduring. They would be cooler in summer and would have winter advantage as well. If the road design was wise they would constantly lead to points of beauty, sometimes actually turning aside for a brief space to give a prospect of view that was noble or attractive. The ramifications of the minor roads that would feed these great transcontinental roads would under the same wise plan develop, as it has never yet been developed, the varying loveliness of the land we live in, and this to vast financial advantage and to the enlargement of the souls of the makers and the users of the roads.

THE PEDESTRIAN

I have left to the last a cherished section of this roadway vision. Many of us in the old days, when the horse was yet the dominant transportation agency, noted the footways which came into existence along the country roads. It was actually possible to walk from one town to another—sometimes, to be sure, turning aside for a moment on the passing of a vehicle. The advent of the automobile has established, it seems, a penalty on legs, if not, indeed, almost a prohibition of their use on well-made roads. He who now walks on a modern country highway does it very much at his own peril and still more at his own inconvenience and discomfort.

I would remove this handicap on pedestrianism by having the highway designed to include a footwalk, not at all necessarily at the grade of the roadway, not at all necessarily elaborate or wide, but a definite, dry and durable footwalk. It would wind in and out among the planting and the trees, and it would recognize the rights of citizens and taxpayers who do not find themselves able or willing to travel on the wings of an explosion motor rather than on the feet which God gave them. The footwalk, then, would become an integral and essential feature of the road system of which I have dreamed.

That others have had somewhat of a dream in this direction was in evidence some years ago when I intercepted and secured the gubernatorial veto of a bill in the Pennsylvania legislature which provided that the minimum width for any footwalk along the country highway should be 12 feet, increasing one foot for each foot of width of the roadway beyond 24 feet, and to be built of concrete in every case. This was evidently a lovely scheme to dispose of cement at a time when it was not so precious and in demand as at present!

THE EXECUTIVE IN THE MODEL STATE CONSTITUTION

BY JOHN A. FAIRLIE
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An explanation of the provisions of our model state constitution relating to the executive department. Later articles will discuss other sections of the committee's report adopted at Indianapolis. :: ::

In American state governments, the executive has come to be organized in a fashion which almost defies analysis, and offers a striking contrast to the executive organization in the national government and in that of all other countries, and also to that in many American cities.

In most European and other foreign countries, there is a single titular executive, with extensive formal powers. But in the operation of the government the executive powers are exercised by a cabinet of administrative officials, acting collectively, but generally with a prime minister who has a large and often a dominating influence. In Switzerland, the executive council is vested with the executive powers, and the president of the confederation is merely the chairman of the council.

The United States constitution vests the executive power in the President, with a large field of personal authority and control, limited, however, by the power of the senate over appointments and treaties; and there has also developed an extra-legal advisory cabinet composed of the heads of the principal executive departments. The internal organization of these departments and the recent development of many boards and commissions outside of the executive departments weakens the President's effective control; but the constitutional principle of concentrated responsibility is clearly established.

American municipal government for many years exhibited the same characteristics of executive disorganization which still characterize the state executive; and these still persist to a considerable degree in many cities. But to a large extent municipal administration is now more effectively organized, either under the mayor or a city manager, or under a small commission of from three to seven members.

But the state executive remains in the main a loose aggregation of unrelated offices, under no effective direction or control. The arrangements in force represent no consistent or coherent system; but are the haphazard results of more than a century of unconscious adaptation, resulting from a variety of conflicting ideals and principles, which have never been correlated. They have sometimes been referred to as a system of distributed executive powers; but no serious student of political organization has ever found any definite plan in the methods in force, or has undertaken to uphold any such plan of distribution. It represents neither the single executive, nor the collective executive, nor any intermediate type.

The factors which explain the present situation may be briefly summarized: In the first place, opposition to the appointed colonial governors led to distrust of concentrated executive power; and the early state constitutions weakened the executive and placed it largely under the control of the legislature. But the defects of legislative control and the increasing tide of democracy led to the direct popular election of most of the older executive offices. Since about 1850, there has been a steady development of the governor's power, with the development of state administration; but the older offices remain elective; while in most states the multitude and variety of appointive officials and boards and the lack of any systematic organization prevents the governor from establishing an effective control even over the appointive officials.

In a few states, beginning with Illinois in 1917, there has recently been established a more systematic organization of state administration, covering the appointive positions under the governor. But these changes have been made by statute; and have not been able to include the elective state officials provided for in the state constitution. Any thorough reorganization of the state executive, therefore, requires important changes in the constitutional provisions relating to that branch of the government.

THE GOVERNOR AND THE LEGISLATURE

The provisions of the "Model State Constitution" relating to the executive are based on the principle of concentrated executive power, as in the Constitution of the United States. The executive power of the state is vested in a governor, to be elected by popular vote and to hold office for a term of four years. He is to appoint and may remove the heads of all executive departments, and all other officers and employes in the executive service are to be appointed by the governor or by the heads of executive departments as may be provided by law.

It has been proposed by some that the separation of executive and legislative powers should be entirely abandoned; and that the governor should be elected by and directly responsible to the legislature. This would be in accordance with the cabinet system of European countries, and with the method of choosing the executive council in Switzerland, and also with the city-manager plan of municipal government. But, while there may be much to be said in favor of such a plan, it has seemed to the committee of the National Municipal League that for some time to come such a reversal of established American methods will not be approved. The governor has become much more than a ministerial officer to execute laws and policies. He is expected to develop and carry out plans of administrative policy, and to take the lead in proposing legislative measures. His election by the state at large gives him a broader outlook than many of the members of the legislature, who may be guided too much by the local views of their districts. In fact election returns indicate that there is a larger popular interest in the election of governor than in the election of members of the legislature. It, therefore, seems best to retain the direct election of the governor, as a feature of popular control of the government which is now effective.

At the same time, it is important to recognize that the governor and the legislature must work together if the state government is to operate harmoniously and successfully. The two should not be considered as occupying water-tight compartments with no direct connection except by formal documents. It is therefore proposed that: "The governor and heads of departments shall be entitled to seats in the legislature, may introduce bills therein and take part in the discussion of measures, but shall have no vote."

Such practices have frequently been urged for the President and members of his cabinet in congress, among others by President Taft. A constitutional provision would mark the recognition and endorsement of existing practices, such as that of addresses to congress and the state legislatures by the President and governors, and the active and necessary part taken by department heads, and sometimes by other officials in the formulation and advocacy of legislative measures. By the more open and public methods of communication, co-operation and harmony between the legislature and the executive should be made more easy.

It is more specifically provided that the governor shall submit at each regular session of the legislature a budget of proposed expenditures and anticipated revenues; and shall also introduce a general appropriation bill providing for all the proposed expenditures as set forth in the budget. Other features of the budget provisions will be discussed later in further articles on the model state constitution.

The veto power of the governor is retained, as in most of the existing state constitutions, subject to a two-thirds vote of the legislature; and the governor may also disapprove or reduce items in appropriations, subject also to the same two-thirds vote of the legislature.

A novel provision, to avoid deadlocks between the governor and the legislature, is that authorizing a referendum of the people on measures vetoed by the governor, and (by order of the governor) on bills which fail of passage if at least one third of the members vote in their favor. It is suggested that this procedure for securing a direct popular vote on such matters at issue may prove more satisfactory than the alternatives under the European cabinet system of the resignation of the cabinet or the dissolution of the legislature and a new general election.

LIEUTENANT-GOVERNOR ABOLISHED

The four years term for the governor corresponds to that of the President of the United States and to that of the governor in nearly half of the states. It is believed that such a period is needed to give a governor opportunity to develop and carry out his policies; while the biennial election of the legislature will make possible an effective public expression of disapproval of particular measures without leading to a general overturn of the administration.

Provisions have not been included in the sections drafted as to the qualifications for the governor, nor as to the usual powers of the governor to exercise executive power, to see that the laws are enforced, to act as commander in chief of the state military and naval forces, to require information from executive officers, and to exercise the power of pardon.

Such provisions are substantially similar in the state constitutions, and the variations of detail are of little importance. No changes of principle have been proposed with reference to these matters; and the usual provisions may be continued. The authority of the governor to supervise and direct other executive officers may, however, be made more definite. Nor have provisions as to impeachment and other methods of removal been as yet prepared by the committee. These may be included in later reports of its work.

In other matters, however, omissions of provisions commonly found in state constitutions have been for the definite purpose of carrying out the general principles of executive organization which are recommended. Thus, no provision is made for the election of a lieutenant-governor; but in case of vacancy or disability of the governor the presiding officer of the legislature will act as governor for the remainder of the term. The election of an officer whose principal purpose is to fill a vacancy is an anomalous procedure, which has not been markedly successful, and the states which now have no lieutenant-governor do not seem to have suffered any serious results. Lieutenant-governors and vice-presidents of the United States have in many cases represented a different element or policy from the governor, and more continuity may be expected from an officer representing the majority in the legislature.

GOVERNOR TO APPOINT ALL DEPARTMENT HEADS

The appointment of all executive officers is proposed as an application of the short ballot principle, as well as the principle of concentrated executive authority. The election of a number of executive officers in addition to the governor fails to secure the results expected of increasing popular control; but on the contrary is to-day one of the most serious obstacles to popular control of the government. The long list of elective officers and the longer list of candidates impose an impossible task on the voter, beyond the capacity of the most intelligent who do not make a business of politics. The mechanical task of voting has been reduced by the party column and other devices on the ballot; but the results indicate clearly that the great mass of voters do not care to discriminate between candidates for the less important offices and vote on the basis of a party ticket. In effect the voters are disfranchised because they are required to vote too much. A responsible system of appointment should make more effective public opinion as registered in the election of the governor.

Moreover the duties of the subordinate officers now elective are not political, but executive or administrative in character; and call for qualifications of technical ability and experience which cannot well be determined by popular election. At least some of the officials now elected are less important than some of the positions now filled by appointment; and there is no logical basis of distinction between the appointive and elective places.

Where the elective state officers are chosen at the same time on the same party ticket, some degree of harmony may be expected, on the basis of political principles or of party organization. But active co-operation between such officials is seldom found. They are apt to represent different, and sometimes antagonistic elements in the party; and even where there is no open hostility each elective officer is likely to feel and assert at times his independence of the governor. In some states elective state officers are ex-officio members of certain state boards; but these have to do with limited and specific functions, and fall far short of constituting an executive council of general authority.

While no general principles have been stated on which to distinguish the officials now elective as a group from those appointed, for some positions there have been special opposition to transferring them from the elective to the appointive class. The election or appointment of the attorney-general was discussed at the constitutional conventions in New York state in 1867 and 1915. It was argued that the functions of this officer were to some degree political in nature. But it would seem that his duties to aid in the enforcement of the laws and to give legal advice to other state officers are essentially part of the executive power, and that these duties should be exercised by one in agreement with the chief executive who is constitutionally responsible for the execution of the laws. An attorney-general hostile to the governor could in large measure weaken his authority even over the officials he appoints. Indeed this situation has been recognized in New York, when by chance an attorney-general has been elected of another political party from the governor, the latter was authorized to employ special counsel. President Taft spoke before the committee of the New York convention in favor of the appointment of the attorney-general as follows:

> Well, if you are going to have a lot of independent officers, who are running their own boats, paddling their own canoes, without respect to the head of the state, then of course you want a judicial officer to decide between them. But if you are running a government on the basis of a head man being responsible for what is done, and for the work being done in the most effective way, then what you want is a counsel. When you consult a lawyer, you don't consult a judge. You consult a man who is with you, seeking to help you carry out the lawful purposes that you have. Therefore he ought to be your appointee. You select him. Now the chief executive is given an attorney-general to advise and represent him in all legal matters. I don't see why he shouldn't be appointed. It would be most awkward if he was not, in Washington, I can tell you that.[1]

AUDITOR CHOSEN BY THE LEGISLATURE

The opinion is even more widely held that the state auditor or comptroller should be independent of the governor, on the ground that the duties of this officer are to act as a check on the expenditure of executive officials and keep them within the limits of the appropriations. This view also prevails in a few states where the auditor or comptroller is not elected, but is chosen by the legislature. On the other hand, in the United States national government the comptroller of the treasury and the auditors are appointed by the President, and are classed within the department of the treasury; and a similar arrangement is provided in a number of large cities, as in Chicago and Detroit.

If the auditor is to be independent of the governor, the practice in most of the states of electing this official at the same time as the governor is unsatisfactory. An auditor so elected is likely to be of the same party as the governor, and thus not to act as a wholly independent officer. Greater independence would be secured if the auditor were chosen by the legislature, or, if elected by popular vote, he should be elected at a different time than the governor.

But the practice of a supposedly independent officer who controls disbursements has been due to a confusion between the functions of accounting and auditing in American governments. The auditor or comptroller now acts to some extent both as accountant and auditor; but in fact there has been neither an adequate system of accounting, nor any effective independent audit of the accounts kept. In European governments, and in business corporations in the United States, the accounting service and the control over disbursements is a branch of the executive administration; while there is a subsequent audit of accounts at regular intervals by an outside agency. Thus in Great Britain the accounts are kept and current control of disbursements is exercised by the treasury; and the work of the comptroller and auditor-general is to make a critical examination of the completed financial accounts, methods and reports at the end of each fiscal year.

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[1] New York constitutional convention documents No. 11 (1915).

In some American states and cities, the need for a central executive control over expenditures and accounts has been recognized, to some extent, by such officers as the administrative auditor in Illinois or the commissioners of accounts in New York city, as agents of the governor or mayor, in addition to the popularly elected auditor or comptroller. But this plan, if adequately carried out, involves a duplicate system of accounts kept both by the executive department and also by the auditor.

The same confusion of thought is shown in the recent proposal to make the United States comptroller of the treasury legally independent of the executive. This would make it necessary to establish a duplicate accounting system in the treasury department, unless the functions of the comptroller are strictly limited to that of auditing the accounts and reports.

It is the opinion of the National Municipal League Committee on State Government that there should be a central accounting service, with control over disbursements, in the executive branch of the state government, as one division of a department of finance. It should, however, be clearly made the duty of the legislature to provide for a regular independent audit of the financial accounts and reports after each fiscal period, in place of the spasmodic investigations which occasionally take place, based largely on political considerations.

THE EXECUTIVE DEPARTMENTS

No constitutional provisions have been proposed for a definite and detailed plan of executive departments. In this respect the constitution of the United States has been followed. This does not mean that the need for a thorough reorganization of the administrative arrangements in the states is not recognized. It is based on the belief that the details of administrative organization should not be stereotyped in the state constitution, but should remain flexible, to be adjusted from time to time by legislation, to meet the needs of a developing political system.

The provisions in the present state constitutions for executive and administrative officers, which for the most part are survivals from the constitutions of the middle of the nineteenth century, have clearly proven inadequate for present conditions. Indeed they now form serious obstacles to the establishment of an effective administrative system. Proposed constitutional provisions for a more systematic arrangement, such as those presented in New York state, have been compromises, making only partial steps towards a satisfactory system; and there is danger that such partial reforms, imbedded in the state constitution, will prove even more stubborn obstacles to further changes. Even the shorter provisions recently adopted in Massachusetts, providing for not more than twenty departments, give sanction to more than should be needed; and the legislation adopted under this provision falls far short of an effective organization.

It may be noted that most of the services of the United States national government, which greatly exceed those of any state, are organized in ten executive departments. And the still greater field of central administration in France is organized under a dozen ministries. There seems to be no need for any more in any American state; though it may be difficult to secure a reduction to this point in the near future.

The most comprehensive and successful plans of state administrative reorganization thus far adopted, such as those in Illinois, Nebraska and Idaho, have been accomplished by statutory legislation; and these might have gone further had it not been for the existing constitutional provisions. The policy followed has, therefore, been to omit from the proposed constitution all provisions relating to executive and administrative officers other than the governor.

The League's committee has also approved a constitutional provision for the merit system in the administrative service, substantially similar to the provisions in the New York and Ohio constitutions, requiring competitive examinations so far as practicable for appointments. More definite provisions as to the organization of the civil service authority and the application of the constitutional principle should be made by legislation.

THE INITIATIVE AND REFERENDUM AND THE ELECTIONS OF 1920

BY H. W. DODDS

November 2, 1920, was the occasion for submission to the people of the usual crop of constitutional amendments, referred and initiated measures. We publish herewith the votes on the various state proposals in the form of a table. The ratio of the vote on the measures to the total vote cast for all presidential electors is also given.

CONSTITUTIONAL AMENDMENTS ACTED UPON

The voters of thirty two states passed upon amendments to their state constitutions at the election last November. The proposals covered a wide variety of subjects. Eight states voted on amendments increasing the salaries of various public officers. The crest of good times had passed and the electorate had evidently begun a "buyer's strike," with respect to the services of public officials, for all salary increases were defeated. Amendments authorizing loans to pay a bonus to veterans of the late war carried in three states. Income tax provisions carried in North Carolina but failed in three other states. Special taxes or bond issues for improved roads were popular and carried in all six states which voted on them. West Virginia adopted divided sessions of the legislature while Oregon rejected a similar proposal. Absent voting authorizations carried in two states, but a compulsory voting provision failed in Oregon. Single tax amendments failed in two states, and a tax classification proposition failed in Kansas. An effort to increase the number necessary to initiate tax proposals, directed against the recurring single tax measures, failed in California. Iowa approved the calling of a constitutional convention; California defeated a similar proposal. Missouri paved the way for a convention by altering the method of electing delegates to a convention. An excess condemnation amendment failed in Michigan. New York adopted the requirement that state bonds hereafter be issued in serial form. Arkansas revised the initiative and referendum provisions of her constitution and extended them to counties and cities. The number necessary in that state to call out a measure passed by the legislature was increased from 5 to 6 per cent, and the number necessary to initiate a constitutional amendment from 8 to 10 per cent.

VOTES ON AMENDMENTS

As shown in the accompanying table the votes on the various amendments ranged from 17 per cent of the combined presidential vote in South Carolina to 92 per cent on the parochial school amendment in Michigan, and 98 per cent on a proposed trunk highway system in Minnesota. The total votes on the three proposed amendments in North Dakota were all above 90 per cent of the combined presidential votes. Partisan feeling in North Dakota, as everyone knows, was especially high at this election. With very few exceptions the votes in other states did not run as high as 80 per cent or fall as low as 40 per cent of the total vote for all presidential electors. The mean vote on all measures for all states would be about 55 per cent, which seems to be about the average for the United States in former years.

Considering the votes individually by states, the percentage of votes cast on the several amendments within each state varied but little. A spread of more than five points between the percentages of the amendments receiving the lowest and highest votes in any one state is unusual, and can generally be traced to unusual interest aroused by a certain proposal, either because of its extreme popularity or because it was more than ordinarily controversial. For the most part amendments of minor importance received as much attention as those of higher importance within the same state. It would be impossible to distinguish between measures constitutional in nature and those merely statutory by the size of the votes on them. A proposal prohibiting compulsory vaccination in California received almost one-third more votes than the proposition to call a constitutional convention. The difficulty of amending a constitution under conditions which require more than a simple majority of those voting on the amendment is again demonstrated. In all such cases, except three amendments in Wyoming, the proposals failed.

In six states amendments were initiated directly by the people. Such proposals, however, can hardly be said to have been distinguished by higher votes than their associates of more modest origin.

THE VOTES ON INITIATED MEASURES

Popularly initiated bills were voted upon in only eight states. One of these was Massachusetts, where an act permitting the manufacture of light beer and wines with $2\frac{3}{4}$ per cent alcoholic content was initiated indirectly, passed both houses of the legislature, but was vetoed by the governor. On submission to the people it was approved by a close majority. Five states possessing the direct initiative did not use it at the last election. The indirect initiative was used in Massachusetts for the first time. In the other six states which employed it, however, with the exception of North Dakota, it has been of long standing (Arizona since 1911 California 1911, Colorado 1910, Montana 1906, Oklahoma 1907 and Oregon 1902). With the addition of Missouri these states comprise the group which make most common use of it. The other states which use it but rarely did not use it at all last November.

The situation in North Dakota has attracted a great deal of attention. The direct initiative was adopted in that state in 1918. Formerly, they had had only the indirect initiative. At the last election five initiated measures aimed directly at the Non-Partisan League went on the ballot. All carried by close margins. The total vote on each of them, moreover, exceeded the total vote for presidential electors, the former being about 110 per cent of the latter.

Other measures which received unusual attention from the voters were the alien land law in California, the law permitting the manufacture of light wines in Massachusetts and a bond issue for education in Montana. In fact, it will be seen by reference to the accompanying table that the three measures initiated in these states received an unusually high number of votes. In each case the subject of the law presented a clear issue on which popular opinion could be readily formed, and was therefore a fit matter for direct legislation.

THE VOTES ON REFERRED MEASURES

Eleven states voted on measures called out by popular petition. In contrast to the high vote in North Dakota on the initiated bills was the lower vote on a measure governing county seat removals. Prohibition enforcement acts were defeated in California and South Dakota and affirmed in Missouri and Ohio. The first three carried out the intent of the Volstead Act, but the last was designed to liberalize the prohibition law. The votes in these states were respectively 92, 90, 67 and 90 per cent of the total at the election. Other measures which attracted more than usual attention were the proposal to legalize boxing and the presidential primary repealer in Montana. Proposals to combine the direct primary and convention systems for nominating candidates were defeated in Montana and South Dakota. In each case the vote was high, being 77 and 78 per cent on the two Montana bills and 81 per cent on the South Dakota measure. However, a direct primary repealer failed to attract the notice of the Nebraska voters for, although overwhelmingly defeated, only 38 per cent of the voters acted on it. In this case it was the only measure on the ballot, there being no initiated bills or constitutional amendments before the people. A workman's compensation measure, defeated in Missouri, elicited little attention from the people. The votes on it were but 54 per cent of the total. In seven states there was but one referred measure on the ballot; in three states there were two measures; in one there were four measures, and in one state (California) there were five. As in the case of initiated bills those states which ordered a referendum on the most measures were the ones which have in years past utilized the privilege most frequently (*i.e.*, Arizona, California, Missouri, Montana and South Dakota). Oklahoma and Oregon, states frequently employing the referendum in years past, voted on but one referred measure each. However, the number of times the referendum has been used in Oregon is only a fraction of the times the initiative has been invoked, which would indicate that legislative inertia was more unpopular in that state than the legislative product.

The subject matter of the referred bills was such as to enable the people to form an intelligent opinion without undue labor and, with but two or three exceptions, the size of the vote on them justified the claims made by the advocates of this form of direct legislation.

THE TABLE

In explanation of the table that follows, it may be said that the affirmative and negative votes on the measures were furnished by the secretaries of state of the several states. The votes for presidential electors were furnished by the *New York Times*. It is possible that the figures here given will be modified slightly in the official and final announcements of the returns in all the states.

VOTE ON CONSTITUTIONAL AMENDMENTS, NOVEMBER 2, 1920

State and Subject	Yes	No	Combined vote for presidential candidates	Percentage of presidential vote cast on amendments
ALABAMA				
Legalizing loans or appropriations for harbor improvements	77,480	89,071		69
County ownership of public utilities	70,198	91,698	241,070	67
Special road tax	58,109	99,076		65
ARIZONA				
Election of legislators to other civil office	8,945	26,520		53
Election of state tax commission	9,592	25,234	66,562	52
Increased salaries for teachers and other public officers (initiated directly)	13,701	28,053		62
ARKANSAS				
Amending initiative and referendum provisions (initiated directly)	86,360	43,662		70
Qualifications of electors*	87,237	49,751	183,637	74
Reorganization of supreme court*	65,083	63,211		69
CALIFORNIA				
Calling a constitutional convention	203,240	428,002	943,463	67
Authorizing an alien poll tax	667,924	147,212		87
Authorizing absent voting	356,539	371,784		74
Exempting orphanages from taxation	394,014	371,658		81
Permitting state aid to certain institutions	487,023	222,247		72
Increasing salaries of justices (initiated directly)	232,418	538,655		81
Increasing size of petition necessary to initiate tax measures (initiated directly)	298,347	421,945		73
Prohibiting compulsory vaccination (initiated directly)	359,987	468,911		87
Highway bond issue (initiated directly)	435,492	311,667		79
Levying tax for state university (initiated directly)	380,027	384,667		81
Broadening state school system (initiated directly)	506,008	268,781		82
Exempting real estate improvements from taxation; the single tax (initiated directly)	196,694	563,503		80
COLORADO				
Construction of R.R. tunnels through continental divide (initiated directly)	101,841	126,099	352,237	64
Additional tax for education (initiated directly)	160,268	52,324		60
Bond issue for roads	100,130	70,997		48
Additional county judges for Denver	35,095	97,398		37
Increased salaries for state officers	49,313	112,878		46
FLORIDA				
Restricting purposes of state bond issues	34,504	54,510	149,397	59
IDAHO				
Increased membership of supreme court	35,265	30,989		79
Appeals from public utilities commission	33,570	26,020	136,592	43
Increased sale of school lands	30,790	31,859		49
State development of unused water-power	32,322	27,812		44
IOWA				
Calling constitutional convention (submitted automatically every ten years)	279,652	221,763	895,076	56
KANSAS				
Revolving fund to aid farm building	223,499	201,559		74
State aid for roads	284,689	193,347	570,152	83
Classification of property for tax purposes	170,710	218,931		68
LOUISIANA				
Special tax for education	57,686	24,009	117,084	69
School tax in Orleans parish	49,781	24,492		63
Commissioners of Port of Orleans	43,099	23,920		57
Special tax in New Orleans for fire and police	47,654	22,824		60
Additional powers for commissioners of Port of Orleans	42,771	23,609		56
Pensions for Confederate veterans	54,863	21,215		65
Registration for primaries	40,909	24,225		55
Certain industries exempted from taxation	10,056	56,975		57

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* Amendments proposed by legislature must receive affirmative vote of all voting at election.

VOTE ON CONSTITUTIONAL AMENDMENTS, NOVEMBER 2, 1920)—(*Continued*)

State and Subject	Yes	No	Combined vote for presidential candidates	Percentage of presidential vote cast on amendments
MAINE				
Authorizing legislature to prescribe election districts and manner of voting	76,129	29,333	197,845	53
Bond issue for war bonus	105,712	32,820		70
Authorizing income tax	53,475	64,787		60
MARYLAND				
Increasing salaries of members of legislature	76,367	116,762	438,451	44
Increasing salaries of clerks of courts	58,081	127,638		42
MICHIGAN				
Increased salary for state officers	348,311	463,959		77
Absent voters' privileges	415,780	359,749		74
Authorizing legislature to fix hours and conditions of labor for women and children	420,085	413,362	1,047,819	79
Excess condemnation	360,668	439,373		76
Compelling children to attend public schools	353,817	610,699		92
MINNESOTA				
A trunk highway system	526,936	199,603	735,838	98
Extension of term of office of probate judge	446,959	171,414		84
Graduated income tax*	331,105	217,558		74
Railroad real estate subject to special assessments	488,497	98,045		79
MISSISSIPPI†				
Prescribing jurisdiction of supervisors over roads, etc	20,184	45,938	82,492	80
Election of levee commissioners	33,236	26,744		72
Equal suffrage	39,186	24,296		76
Uniform poll tax	41,693	22,733		78
Pensions for Confederate veterans	42,442	19,542		75
MISSOURI				
Increasing pay of legislators	320,406	406,672	1,332,800	54
Home rule for cities over 100,000	385,656	311,922		52
Increasing debt limits for large cities	368,651	329,938		52
Authorizing special levy for road purposes	375,942	340,665		53
Authorizing increased tax rate for schools	312,323	398,279		53
Bond issue for hard roads	572,514	339,021		68
Authorizing cities to incur indebtedness for waterworks, etc	381,794	310,210		52
Requiring tax levy to pension blind	455,227	295,788		56
Bond issue for soldiers' settlement fund	379,156	348,749		54
Reorganizing supreme court	315,837	369,077		51
Absent voting	440,102	279,490		54
Reorganizing St. Louis court	316,661	355,401		50
Altering mode of revising or amending constitution	394,437	317,815		53
MONTANA				
Establishing county boards of equalization under state tax commission	58,571	72,161		73
Apportioning interest on school funds	77,093	54,184	179,006	73
Creating board of examiners and control	51,072	72,870		69
NEVADA				
Jurisdiction of supreme court	12,060	3,235	27,093	56
NEW HAMPSHIRE‡				
Authorizing income tax	46,430	30,364	159,092	48
Authorizing inheritance tax	45,415	24,222		43
Empowering governor to veto items in appropriation bills	45,634	26,195		45
Fixing membership of House of Representatives	48,598	28,121		48
Conscientious objectors to bearing arms	35,932	31,509		42
Public worship	35,172	42,322		48
Legalizing pensions for longer than one year	44,456	31,995		48
NEW YORK				
Serial bonds for state debt issues	1,117,546	630,265	2,882,590	66
NORTH CAROLINA				
Legalizing state income, poll and general property taxes	262,873	81,109		62
Qualifications for voting	235,608	83,366	548,741	58

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* Lost, necessary to ratify 398,978.

† Necessary to carry an amendment proposed by legislature 41,559, or majority voting at election.

‡ Two-thirds vote necessary to adopt amendment. All seven failed.

VOTE ON CONSTITUTIONAL AMENDMENTS, NOVEMBER 2, 1920—(*Concluded*)

State and Subject	Yes	No	Combined vote for presidential candidates	Percentage of presidential vote cast on amendments
North Dakota				
Woman suffrage	135,370	60,772	200,778	97
New name for state reform school	129,628	63,569		96
Investment of school funds	124,331	56,526		90
Oklahoma*				
Property tax for public schools (initiated directly)	162,749	179,271	486,405	72
Non-profit insurance organizations	157,064	159,919		67
Increased pay for members of legislature	125,463	173,274		63
Oregon				
Fixing length of legislative session, regulating procedure, etc.	80,342	85,524	238,572	69
To exempt property except land from taxation; the single tax (initiated directly)	37,283	147,426		73
Lengthening term of county officers (initiated directly)	97,854	80,983		74
Fixing legal rate of interest (initiated directly)	28,976	158,673		78
Establishing divided legislative session (initiated directly)	57,791	101,179		66
Establishing compulsory voting	61,258	131,603		80
Prohibiting compulsory vaccination (initiated directly)	63,018	127,570		79
Pennsylvania				
Requiring notice before banks can incorporate	431,122	142,262	1,851,248	30
Debt limits for counties and cities	373,643	144,512		28
South Carolina†				
Municipal ice plants	8,366	2,925	66,150	17
Municipal ice plants	8,410	2,941		17
South Dakota				
Permitting legislature to fix salaries of state officers	70,831	77,987	181,747	81
Creating board of control	60,763	77,285		75
Increasing debt limits of counties and cities	66,734	72,226		76
Establishing credit system for home building	80,062	61,674		78
Bond issue for war bonus	93,459	56,366		82
Utah				
Creation of municipal corporations by special laws prohibited	22,757	27,656	145,828	34
Limit on property tax for state purposes	43,552	31,165		51
Contraction of state debt limited	15,142	33,417		33
Right of action to recover damages for death shall not be limited	26,288	24,825		35
Virginia				
Other than qualified voters eligible to municipal employment	105,690	40,623	231,029	63
Removal of restrictions on municipal charters	103,356	40,561		62
Description of school districts, officers thereof	112,429	43,121		67
Additional school tax	111,540	44,581		67
Compulsory education of children	116,699	41,056		68
State debts	111,309	48,948		69
Washington				
Authorizing private property to be taken for drains, flumes, etc.	121,022	113,287	394,195	59
Increased salary for governor and other officers	71,284	170,242		61
West Virginia				
Bond issue for good roads	248,689	130,569	509,942	73
Divided session of legislature	160,929	122,744		55
Wyoming‡				
Municipal debt limits	36,721	12,178	56,197	87
Municipal tax limits	18,893	21,661		72
State debt limits	28,504	15,393		78
County debt limits	28,393	14,727		76
Referendum on loans	24,464	16,698		73
Special tax for live stock protection	21,523	18,701		73

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* All failed; majority of those voting at election necessary to carry amendment.

† Thirty other amendments of local or minor nature were acted upon.

‡ Amendment must receive affirmative vote of all voting at election.

VOTES ON BILLS INITIATED BY POPULAR PETITION, NOVEMBER 2, 1920

State and Subject	Yes	No	Combined vote for presidential candidates	Percentage of presidential vote cast on measure
ARIZONA				
Protection of game and fish	13,096	26,617	66,562	59
Creating state civil service commission	11,850	26,299		57
Providing procedure for creation of counties	5,312	38,198		65
Creating state highway department	16,961	25,721		63
Reclamation and irrigation proposal	18,203	22,432		61
CALIFORNIA				
Alien land law	668,483	222,086	943,463	94
Regulating chiropractic	390,240	402,410		84
Prohibiting vivisection	272,288	527,130		85
COLORADO				
Fixing hours of work for municipal fire departments	113,140	82,596	352,237	55
Regulating chiropractic	84,286	109,385		55
Creating the county of Limon	34,881	141,239		50
Creating the county of Flagler	33,295	140,363		50
Appropriation for state hospital	155,049	50,295		58
MASSACHUSETTS				
Regulating the manufacture of beer and wines (indirectly initiated)	442,215	432,951	994,694	88
MONTANA				
Levying tax for state university	82,669	71,169	179,006	85
Authorizing bond issue for education	90,441	66,237		87
Bond issue for irrigation	55,276	89,828		81
NORTH DAKOTA				
Examination of bank of North Dakota, etc.	118,269	102,238	200,778	110
Permitting deposit of local government funds in local banks	114,022	106,853		110
Prohibiting bank of North Dakota from lending on real estate to any but actual farmers	116,508	105,348		110
Permitting publication of private legal notices in other papers than the official paper in the county	114,320	105,961		109
Restoring to superintendent of public instruction certain powers	114,571	104,722		109
OKLAHOMA				
Levying tax on public service corporations	162,749	179,271	486,405	70
OREGON				
Consolidating properties of port and dock commissions	80,493	84,830	238,572	70
Creating bird refuge for native waterfowl	78,961	107,383		78
Creating a state market commission	51,605	119,464		72

VOTES ON MEASURES REFERRED TO THE PEOPLE, NOVEMBER 2, 1920

State and Subject	Yes	No	Combined vote for presidential candidates	Percentage of presidential vote cast on measure
Arizona				
To regulate pardons and paroles (referendum ordered by legislature)	11,571	25,794	66,562	56
Providing for preliminary examination in a court of record where prosecution is by information	12,268	23,622		54
California				
Prohibition enforcement act	400,475	465,537	943,463	92
Regulating sale of poisons	479,764	270,562		79
Community property, equal rights to either spouse	246,875	524,133		81
Prohibiting state banks as agents of insurance companies	308,062	328,115		67
Organizing irrigation districts	314,522	280,948		63
Idaho				
Bond issue for state highways (referendum ordered by constitution)	40,720	30,901	136,592	52
Maine				
Woman suffrage	88,080	30,462	197,845	60
Missouri				
Prohibition enforcement	481,880	420,581	1,332,800	67
Workman's compensation	344,724	376,651		54
Montana				
Providing for nomination of certain candidates by state convention; others by direct primaries (referendum ordered by legislature)	60,483	77,549	179,006	77
Legalizing boxing (referendum ordered by legislature)	74,549	82,827		88
The direct primary for all offices and delegates to national conventions	66,131	74,079		78
Repeal of presidential primary	60,793	80,023		80
Bond issue for roads (referendum ordered by constitution)	68,785	76,949		81
Nebraska				
Abolishing direct primary for nominations to certain offices	49,410	133,115	475,153	38
New Jersey				
Bond issue for soldiers' bonus	534,532	165,555	904,000	77
Bond issue for vehicular tunnels (referenda on above ordered by constitution)	569,300	94,707		77
New York				
Bond issue on soldier's bonus (referendum ordered by constitution)	1,454,940	673,292	2,882,590	72
North Dakota				
County seat removal	92,213	85,637	200,778	88
Ohio				
Prohibition enforcement act	1,050,045	773,226	2,019,166	90
Oklahoma				
Regulating the practice of medicine	211,252	164,788	486,405	77
Oregon				
Regulating sale of oleomargarine	67,101	119,126	238,572	78
South Dakota				
Intoxicating liquors	75,870	87,986	181,747	90
Combination of party primary and party convention systems (referendum ordered by legislature)	65,107	82,012		81
Washington				
Construction of state highway system (referendum ordered by constitution)	117,425	191,783	394,195	78
Bond issue for war bonus (referendum ordered by constitution)	224,356	88,128		78

CITY MANAGER MOVEMENT

PROGRESS OF MANAGER PLAN IN ONE HUNDRED EIGHTY-FIVE CITIES

BY HARRISON GRAY OTIS

Concluding installment of short stories begun in the May, 1920, issue of the REVIEW. *The number of cities operating under, or pledged to, some variety of the manager plan is now placed at two hundred twenty.* :: :: :: :: :: :: :: :: ::

VIII. PROGRESS OF MANAGER MOVEMENT IN ROCKY MOUNTAIN REGION

THE states grouped in this series are Montana, Utah, Colorado, New Mexico, and Arizona, there being yet no city manager in Wyoming or Idaho.

COLORADO

Water Plant Nets $33,000

BOULDER. Population, 10,989. City-manager charter with proportional representation effective January, 1918. Scott Mitchell, the third manager, succeeded W. D. Salter, September, 1920; salary, $4,000.

Mr. Salter shortly before resigning reported:

> The city tax rate is 10 mills and it has not been raised during the past three years. During last year the city retired water bonds to the amount of $65,000. Another issue of $75,000 water bonds is due on July 1 of this year, and preparations are under way for retiring about $25,000 of this issue and refunding the remainder.
>
> In November of last year the citizens voted an issue of $100,000 of 5 per cent bonds to be used for the purpose of building a memorial park in honor of the boys of this county who participated in the late war. Within the past week a site has been selected for this purpose and negotiations are under way for acquiring the land. During February of this year the city acquired by purchase 160 acres of land to add to its mountain park system. The city has acquired 400 acres of mountain lands lying in the drainage area of its domestic water supply. The latter purchase was made for the purpose of securing control of this land to prevent possible contamination to its water. Close watch was kept over the water supply and analyses are made twice a week. The milk and cream supply is closely watched and frequent tests are made.
>
> There was considerable improvement work done during the year 1919 in the way of construction of sanitary sewers, alley pavements and three and one-half miles of water transmission lines, the latter being completed and put in operation the last of December, 1919. Plans are under way and contract will soon be let for additional alley paving amounting to about $16,000.

The auditor's report for the water department shows that at the close of the year 1918 there was a deficit of $3,800, while during the year 1919 the plant made net earnings of $33,634. The other city departments closed the year with unexpended appropriations of $7,558 against a deficit for 1918 of $2,848.

The city has recently purchased a motor fire truck and a motor sprinkler and flusher.

The manager's report concludes: "It cannot be expected that the city-manager form of government meets with the unanimous approval of all citizens, but the sentiment in this city seems to be greatly in its favor and the temper of our people is splendid."

Durango. Population, 5,300. Commission-manager charter succeeded old style commission plan March, 1915. W. H. Wigglesworth, the second manager, was appointed April, 1919; salary, $1,800.

Mr. Wigglesworth is 53 years old, trained in engineering, with experience in municipal work.

Montrose. Population, 3,581. Commission-manager charter effective February, 1914. R. P. Hilleary, the fourth manager, resigned in October, 1920, being succeeded by J. E. McDaniel, who served as manager in 1916 and 1917.

Considerable attention has been paid to public welfare in Montrose this past year. Weekly band concerts and community singing at the city hall have proved popular.

Colorado Springs. Population, 29,572. On July 6, 1920, a commission-manager charter was adopted by a large majority. It becomes effective in April, 1921, superseding the straight commission form which had proved unsatisfactory.

NEW MEXICO

Albuquerque Wiping Out Deficit

Albuquerque. Population, 15,157. Commission-manager charter effective January, 1918, and amended in 1919 to increase the number of commissioners from three to five. James N. Gladding, the third manager, was appointed February, 1920; salary, $5,000.

Mr. Gladding succeeded A. R. Hebenstreit, who sums up the achievements of the past year:

> Inherited overdraft of $26,000 was reduced $7,000 in 1918 and $11,000 in 1919, the balance of $8,000 being provided for in the 1920 budget. During the past two years $80,000 has been placed in the sinking fund to reduce the bonded indebtedness. Albuquerque will be on a strictly cash basis from now on. Financial matters have been systematized.
>
> The net profits for the water department during the past year are approximately $30,000. A contract for $30,000 worth of paving was let last summer, and of the nearly 800 property owners affected only 14 opposed the paving.
>
> The viaduct over the Sante Fe tracks has been rebuilt at a saving of $2,000 under the estimated cost.

Approximately $7,000 was contributed by public subscription for the purchasing of a playground for the children, and a "library drive" yielded over 2,000 books for the public library.

There is a movement on foot to extend the city limit in four directions which would increase the population 50 per cent.

Mr. Gladding is 41 years old, was formerly city engineer of Albuquerque and El Paso.

Everybody Satisfied at Roswell

Roswell. Population, 7,062. Manager plan by ordinance May, 1914. Clyde Fulton, the third manager, succeeded A. G. Jaffa March, 1920.

Motor trucks and tractors installed last year have resulted in 50 per cent saving, "with more and better work done and everybody satisfied, and that is saying a lot for this city." A program of improvements has been planned, and the engineering and construction will be handled by the city.

Mr. Jaffa, who served for four years, is 38 years old, a civil engineer with municipal experience.

Delinquent Collections Reduced

Clovis. Population, 5,150. City-manager plan by ordinance June, 1919. Oscar Dobbs, manager; salary, $3,600.

Mr. Dobbs submitted the following report after the first six months:

> Last June the outstanding accounts against the city, excepting bonds, amounted to slightly

over $40,000. These are now reduced to $32,000 without any increase in water and light rates and with no tax receipts, and this in face of the fact that all materials have increased in price and that we have raised our labor 70 per cent during this time by changing from 12- to 8-hour shifts and raising wages. We have accomplished this by paying cash for everything we buy and applying the surplus on the outstanding accounts.

Heretofore it has cost us $50 to $75 per month to cut off delinquent customers of the water and light department. Our new system has cut the delinquent list which ranged from 100 to 180 each month to four last month, and beside saving this amount we have made the discount pay us on an average of $90 per month since the system was installed. We have also installed a more suitable system of bookkeeping, which enables us to keep the records in a more systematic manner and saves quite a little work and confusion.

By promptly answering letters from our creditors, and telling them the truth about our condition, and paying them when we make a promise, we have to a large extent re-established our credit.

We have graded and improved quite a number of streets and have them in better condition than ever before and have placed our water and light plant in good condition.

We have started proceedings for paving 15 blocks in our business district and will vote on bonds in April for sewer extension, water development, street improvement and a new city hall, amounting in all to about $150,000, which we believe will carry. The new form of government seems to be pleasing the people, although I think it would be more satisfactory under a more comprehensive ordinance, or better yet, under a good charter.

Mr. Dobbs is 26 years old and is trained in business and engineering.

UTAH

Both Parties Pledged to Plan

Brigham City. Population, 5,282. Manager plan created by ordinance February, 1918. C. O. Roskelley, manager; salary, $2,400. Mr. Roskelley writes:

An entirely new set of books has been installed and a budget system adopted for the first time, which has worked well.

During the year 1918, an $80,000 water system was installed which is fed from a spring direct. In 1919 a 40,000 square yard paving program was put over and practically completed with all the curb and guttering, driveways, and water extensions necessary.

Municipal electric light poles were moved from the center of the street and an interior block construction installed in the business section comprising eight blocks. A modern lighting system was installed throughout the business section, while the extension of this is contemplated this year. Sidewalk extensions and irrigation work have been cared for regularly.

The plan seems to have given excellent satisfaction in general. It has been difficult to put over some improvements, inasmuch as this is the first time that the old party politicians have not had the say. While there were two tickets in the field last fall, both parties adopted a platform and pledged themselves to support the city-manager plan. I believe fully 90 per cent of the populace are favorable.

Mr. Roskelley is 34 years old and an experienced engineer.

ARIZONA

Improvements Without Increased Taxes

Phoenix. Population, 29,053. Commission-manager charter effective April, 1914. V. A. Thompson, the third manager, appointed January, 1918; salary, $7,500.

He reports:

The most important piece of work begun is the new $1,300,000 water works system. An adequate supply of pure, soft water will be brought from the Verde River, a distance of 33 miles.

Other improvements include the initiation of a movement for the erection of a combined city hall and county court house; the addition of 600 acres to the present incorporated limits of the city; the paving of several miles of streets, with plans approved at the present time for 12 more miles, and construction is under way at the rate of 20,000 yards per month; the adoption of a comprehensive traffic ordinance, and the extension of the water works and sewer systems to provide water and sewer for the many new homes that are being built in Phoenix.

In 1919, 1,081 building permits were issued, representing a total valuation of $2,368,958, an increase of 322 per cent over the previous year.

The net earnings of the water department for 1919 were more than $75,000 over and above the interest on bonds, operating expenses and sinking fund.

In spite of the rapid increase in the cost of material and labor the assessed valuation and tax rate have not been increased during the past year.

Mr. Thompson is 37 years old, a mechanical and electrical engineer. Prior to his appointment as manager, Mr. Thompson had charge of the Phoenix water works, sewer, and street department.

MONTANA

Complete Information on Public Affairs

GLASGOW. Population, 3.500. Manager plan installed by ordinance of the council July, 1916. Harvey Booth, the present manager, was appointed March, 1918; salary, $2,100.

A modern filing system has been installed, which furnishes complete information on all public matters. Centralized purchasing has brought excellent results, and city finances are now in first class condition.

All light and power services have been metered, and the system is giving general satisfaction. The installation of a master meter at the plant furnishes adequate means of checking wastage.

Plans have been undertaken to beautify the city, and the cemetery has been greatly improved. Trees and hedges, recently planted, are doing well, and a full-time caretaker has been employed. A great deal of work has been done this past year by the street department, and the streets are in very good condition.

A Manager "defacto"

SCOBEY. Population, 1,500. Manager plan by evolution effective January, 1920. Ray N. Stewart holds the positions of city clerk, clerk of the health board, city engineer, superintendent of water works and sewers, with full supervision over all departments of the city except the police court; salary, $2,100.

A complete audit of the city's business from the date of its incorporation, installation of modern accounting methods and a program of improvements are reported.

COLUMBUS. Population, 1,000. Manager plan by ordinance November, 1918. Harry P. Schug, the third manager, was appointed March, 1919; salary, $1,800. He is 27 years old, and taught school after graduating from college in 1916.

IN CONCLUSION

When this series of articles started in the May, 1920, issue of the REVIEW, there were 185 municipalities in this country and in Canada, reported as operating under, or pledged to, the city-manager plan of government. By March, 1921, this number had increased to 220, 216 in the United States and four across the border in the Dominion. Of this 220, it appears that some 151 have adopted the plan by charter or charter amendment, while the remaining 69 have simply created the position of manager by local ordinance.

In spite of the attacks, inevitably launched against any new movement, no city which has adopted the manager plan of government by vote of the people, and given it a trial of at least one year, has yet gone back to the old way of conducting city business.

DEPARTMENT OF PUBLICATIONS

I. BOOK REVIEWS

Municipal Landing Fields and Air Ports. Edited and compiled by George Seay Wheat. New York: G. P. Putnam's Sons, 1920. Pp. 96 with map.

This little book consists of a compilation of monographs by the chief of the Army Air Service, the director of Naval Aviation and subordinate officers in charge of landing field operations. As a result, it is written almost exclusively from the military and naval point of view, with only casual attention to the needs and interests of municipalities contemplating the establishment of a landing field or airport. The directions given for the construction of hangars, shops, etc., have been taken directly from army and navy specifications, and are therefore quite beyond both the financial means and the actual needs of the average community.

The arguments in behalf of widely distributed air stations are convincing, but the effect is somewhat spoiled by their tiresome reiteration in successive chapters.

The publication of this volume is greatly to be regretted, in so far as its appearance will operate to discourage a more complete and a worthier treatment, and one which would really contribute to the extension and intensive development of commercial aviation.

Clarence B. Smith, Jr.

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The League of Nations at Work. By Arthur Sweetser. New York: The Macmillan Company, 1920. Pp. 215.

After all the wild and whirling words of partisan propaganda, all the plain and fancy lying of the recent campaign, it is not only refreshing, indeed it goes far toward restoring one's faith in human nature, to chance upon such a book as Mr. Arthur Sweetser's "League of Nations at Work."

As a member of the American Peace Commission and later of the Provisional Secretariat of the League of Nations, the author enjoyed exceptional opportunities to inform himself at first hand upon the workings of the League. Unlike ninety-nine out of every hundred writers on this subject he is able to approach it in an equable temper. Frankly admitting that he is "a friend of and a believer in the League," he nevertheless sees clearly that "its friends are tempted to exaggerate it as a panacea for all world ills; its enemies to misrepresent it as a superstate." Our author manages to avoid both these extremes. Finally Mr. Sweetser possesses the gift of lucid exposition in the simplest possible language. The least, as well as the most technical of readers will find a surprising amount of easily assimilable information in his brief chapters which take up in order all the principal structures and functions of the League,—the assembly, council, secretariat, permanent court, international labor and health organizations, etc.; disarmament, mandates, freedom of transit, economic co-operation, open diplomacy, and mediation.

Mr. Sweetser's book should be widely read. It is to be hoped that a second edition will be issued soon summing up the notable progress made by the League during the recent meetings of the assembly in Geneva.

Robert C. Brooks.

Swarthmore College.

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The Development of Institutions under Irrigation. By George Thomas. New York: The Macmillan Company, 1920. Pp. 293.

In this book of 285 pages which deals with the appropriation and use of water for irrigation in the state of Utah, the author has spared no pains in presenting historical facts relating to the various irrigation enterprises within Utah. He gives an excellent picture of the methods employed by the Mormon community, in bringing to a consummation the diversion of the water from the stream and its distribution to the farms, laying emphasis on the fact that the religious element must be considered and understood, in order that the social and economic problems of the state may be fully comprehended. Co-operation in the establishment of the town, in the subdivision of the land and in the construction of the irrigation system, was the essential factor which gave direction to irrigation development and led to success. It was not, in the early days, a question of financing big enterprises. Each problem as it arose was solved in the simplest way possible and not because it might not have been better otherwise, but because the better solution was beyond the reach of the first settler. To forsee the difficulties that were sure to arise between adverse claimants to the same water and to protect those who had well-established rights, legislation was early enacted. This is fully discussed by the author who points out that even the irrigation district law, under which so much was accomplished in other states, was anticipated in Utah. The pioneers of Utah had the wisdom to recognize that the waters of the stream in the arid regions must be held available for those who can put it to beneficial use and they, therefore, abrogated the doctrine of riparian rights, thus avoiding the difficulties with which some other states are still struggling in the endeavor to define and limit water rights. The fact that frequently irrigation enterprises received the financial aid of cities, counties and of the territory is mentioned, and that under the Enabling Act, under which Utah was admitted to statehood, 500,000 acres were given to the state to aid in the establishment of permanent reservoirs. The foundation for state aid to irrigation enterprises was thus early laid. The author gives a full account of the control of water by cities, reviews court decisions and touches upon the operations under the Carey Act, and by the Reclamation Service. The book is not alone of historical value, being somewhat on the order of what might have been expected if the state or federal government had undertaken similar studies, but contains much of interest to those concerned with the establishment of a sane policy of development under irrigation.

C. E. Grunsky.

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The Price of Milk. By Clyde L. King. Philadelphia: The John C. Winston Company, 1920. Pp. 336.

Dr. King's discussion of the factors which govern the price of milk is not academic. The principles he discusses are determined by experience, and largely by experience created by his own genius. The book has the stamp of authority unmistakably impressed on it from cover to cover. Its author has occupied a rather unusual position. As arbiter between producer and distributor he has always represented also the consuming public. And in his official capacities he has, with rare skill, acquired the confidence of producer and distributor, while consistently representing the public interests.

Of course this is in line with modern economics. The business which builds permanently must protect its ultimate customers, since they are its source of revenue. The old, time-honored business theory, which is still in control in most of our retail enterprises, that you can make the consumer pay for all your blunders, stupidity and laziness by including them in the mark-up, has no place in this book. Nor is its author wasting any sympathy on the producer who fails to study the principles of his business, the distributor who clings to antiquated and expensive delivery systems, nor the consumer who wants milk for less than its cost plus a fair profit for those necessarily employed in its production and distribution.

The factors of cost are thoroughly analyzed. To the lay mind the tables and charts will be perhaps of little interest. To the producer and distributor they are of such importance that he must master them if he would safeguard his own business.

But even where tables and charts are skipped or skimmed over, the book is full of interest for anyone who is awake to the importance of wholesome food, protected from contamination, delivered at fair cost. And the chapter on the food value of milk ought to be taught in every school and woman's club in the United States. The book itself will probably appeal more to the managers of the milk-producing plants, to those interested in products from milk and to the officials of the distributors.

Primarily it is the work of an economist who has made an exhaustive study of his subject, and whose mind is so crammed with vital facts regarding the business of producing and distributing, that he is forced to write from a managerial standpoint.

But the book is intelligible—with some effort—to those whose training has not been managerial in character. And every woman's club in the country ought to appoint some one or more of its brightest and most progressive members to make a study, condensation and report for the benefit of the club. The book should be in the hands of every chamber of commerce in every city and town of the country, as it is alive with facts that are of vital importance to the health of the communities in our crowded cities and towns. And—though this is only a hope, unrealizable, probably—it ought to be studied from cover to cover by every employer of factory labor; as the efficiency of his employes, the health of their families, the sources of his future labor, all are wrapped up very largely in this matter of wholesome milk at a fair price. When the business men of the community study the economics of their local milk production and distributing systems, milk is going to reach their markets in wholesome condition and at a price within the reach of everyone who works.

The book is by all odds the most valuable contribution to the subject of the economics of milk production and distribution that has ever been offered. Coming, as it does, from the highest authority on the subject, its importance cannot be overstated.

A. B. Ross.

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The Housing Famine: How To End It. A triangular debate between John J. Murphy, Edith Elmer Wood and Frederick L. Ackerman. New York: E. P. Dutton & Company, 1920. Pp. 246.

In the triangular debate on "The Housing Famine and How to End It," Mr. John J. Murphy, secretary of the New York tenement house committee, Mrs. Edith Elmer Wood, author, and Mr. Frederick L. Ackerman, architect, each start with a well-defined thesis which they metaphorically nail to the oaken panels and valiantly defend as adequate answers to the seven questions propounded as the field for debate: I, Conditions—Causes—Remedies; II, Shall public credit be employed? III, Shall we have municipal housing? IV, Shall we exempt mortgages and improvements from taxation? V, How shall we deal with congestion? VI, How can land, labor and materials be made available? VII, What are the first steps?

Apparently the debaters agree that there is a serious housing shortage which has resulted in the social menace of congestion. To bring about an adequate supply of houses to the end that all may have decent living quarters:

Mr. Murphy proposes alleviations. He advocates taking off the government brakes by removing the tariff from foreign building materials, exempting incomes derived from mortgages from the federal income tax, likewise the state income tax, abolishing the real estate tax on buildings, repealing the so-called usury law, taxing land titles and exempting productive enterprises and then bidding the private citizen god-speed on his enterprise of home building.

Mrs. Wood advocates "(1) the immediate appointment of national, state, and local housing commissions to study the subject; (2) long-time housing loans to workingmen at low interest rates under the auspices of federal and state governments; (3) municipal housing at cost for lower-paid wage-earners, and slum clearance where necessary."

Mr. Ackerman finds little to agree to in either remedy. He joins the plea for tariff revision and admits the value of gathering information and knowledge having to do with housing and town planning. He believes that "congestion of populace follows upon a concentration of industry; and that concentration of industry is consequent upon concentration of wealth (economic power) in the hands of individuals," and "that the only way to arrest the drift of population into industrial centers is to effect a redistribution of wealth." He advocates a "shift of control over industry from the field of financial business to that of technology"; in other words from the financier to the specialist! He opposes government subventions and awaits the day when no longer may there be a "legal right to acquire wealth without rendering service in return."

Meantime, whether by Mr. Murphy's individual enterprise, by Mrs. Wood's government intervention and subvention, or by Mr. Ackerman's new industrial system, these three agree with most of us that we want to house decently our entire population, a desire which does us credit, but a consummation which has not been achieved in our past history. We have a social as well as an economic problem. At the very time when the minimum cost of shelter has risen out of all proportion to the minimum cost of food and clothing we are trying to push up the minimum standard of living. And the only hopeful thing about it all is that our social conscience has been pricked into activity to the end that we shall not rest content until we have achieved the hitherto impossible.

Read the book and form your own conclusion. In these untried fields one man's—or woman's—solution is as good as another's until he is proved wrong.

Harlean James.

INTRODUCTION TO PUBLIC FINANCE. Fourth Revised Edition. By Carl C. Plehn. New York: The Macmillan Company, 1920. Pp. xix+446.

SELECTED READINGS IN PUBLIC FINANCE. Second Revised Edition. By Charles J. Bullock. Boston: Ginn and Company, 1920. Pp. x+920.

All students of public finance will welcome the new editions of these two standard works. The first edition of Professor Plehn's work appeared in 1896, the last one prior to the new edition in 1909; the previous edition of Professor Bullock's readings was published in 1906. As Professor Plehn points out in his preface, the world has been moving rapidly during the past two decades and momentous changes have taken place in governmental finance.

Among the important changes have been the development of national and state income taxes, profits taxes and inheritance taxes; the modification and improvement of the general property, business and corporation taxes; the creation and increasing importance of state tax commissions and of national and state tax associations, the wider study of tax and budgetary problems and the gradual elimination of the worst abuses; the growing functions of all governments and especially of municipalities; and the great increase in public expenditures and public debts and consequently the necessity for greater revenues.

Neither Professor Plehn nor Professor Bullock has changed the general plan of his book. With few exceptions, the chapter titles are the same in the new as in the previous editions. Professor Plehn has added brief chapters on the growth of public expenditures and profits taxes. He has rewritten his chapters on income taxes, inheritance taxes and the shifting and incidence of taxation. He has given brief discussions, also, of increment value land taxes, the capital tax and other recent reforms accomplished and proposed and on the whole has brought his work up to date. The pages in the new edition are slightly larger than those of the previous one, but they are 34 fewer in number.

Professor Bullock's readings are by nature not so susceptible of revision by rewriting as by additions and substitutions. His new edition contains 27 chapters as did the first edition, but has 920 pages as compared with 671 pages in the earlier edition. The use of India paper prevents the new edition from being overponderous. Comparatively little in the first edition has been left out of the second, and a large part of the additions are papers by Professor Bullock relative to state and local tax problems. Many of these papers were originally printed in the proceedings of the annual conferences of the National Tax Association, in which Professor Bullock has been one of the leading spirits. Especially important are the two new chapters on problems in state and local taxation in the United States, and problems of tax administration. The former contains the preliminary report of the committee of the National Tax Association upon a plan for a model system of state and local taxation.

He has omitted the chapters on the custody and disbursement of public money, central control of public finance and taxes upon commodities, though chapters under other titles touch upon some of these matters. The treatment of corporation and inheritance taxes is brought nearer to date. British and German increment taxes are discussed, and there is one reading on the federal income tax of 1913.

There are, however, no discussions of later federal income taxes or profits taxes; the war taxes of 1898 are the latest treated in the chapter on internal revenue, and the five chapters on public debts and sinking funds contain nothing later than 1892; in fact, most of the readings in these five chapters go back a century or more and throughout most of the book, there is an antiquarian flavor. The statistical appendix is omitted from the revised edition.

ROY G. BLAKEY.

University of Minnesota.

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FREEDOM OF SPEECH. By Zechariah Chafee. New York: Harcourt, Brace and Howe, 1920. Pp. 431.

COLLECTED LEGAL PAPERS. By Oliver Wendell Holmes. New York: Harcourt, Brace and Howe, 1920. Pp. 316.

Professor Chafee's volume is both historical and analytical. It reviews the federal espionage and sedition acts and the important cases arising under them. It surveys state sedition laws and indicates some of the enormities and abuses that have flowed from them. The deportation cases are fully covered and the expulsion of socialists from legislative bodies is described. Those who have not had occasion to inquire into the lines of official activity with which Professor Chafee deals will doubtless be surprised at the lengths to which governmental control over opinion has gone. "Almost all the convictions," he says, "have been for expressions of opinion about the merits and conduct of the war. It became criminal to advocate heavier taxation instead of bond issues, to state that conscription was unconstitutional though the Supreme Court had not held it valid, to say that the sinking of merchant vessels was legal, to urge that a referendum should have preceded our declaration of war, to say that the war was contrary to the teachings of Christ. Men have been punished for criticising the Red Cross and the Y. M. C. A., while under the Minnesota espionage act it has been held a crime to discourage women from knitting by the remark: 'No soldier ever sees these socks.'"

Any informed scholar who knows the history of American constitutional law will bear out the conclusion here temperately drawn to the effect that official interference with private rights was carried to its highest point during the recent war. The statutes enacted were more sweeping and drastic in their terms, the language of many judges was more intemperate, and the penalties imposed upon offenders more savage than ever before in our history. Not even during the Civil War when the nation was in grave peril of dissolution did official intervention with private opinion go to such extreme lengths. How far this has been contrary to the spirit and genius of our people is a matter of conjecture. Those who are inclined to be optimistic take consolation in the election returns of 1920.

Professor Chafee is not content with descriptions. He endeavors to reach a certain sound conclusion which may be used as a guide in future times of crisis. He takes no doctrinaire position. He believes that some speech must be suppressed, but that action should be proportioned to emergency. He deplores that construction of constitutional right which makes speech punishable whenever "the natural and reasonable effect of what is said is to encourage resistance to law." For such loose and general terms he would substitute something more precise: he would make punishable only those words *that come close to injurious conduct.* This is undoubtedly helpful to lawyers who are accustomed to think of life in terms of words.

A critical analysis of the great cases from the days of Charles I down to the administration of President Wilson seems to show that the precise verbal form of the law has not mattered so much after all. The same law means one thing to one judge and jury and another thing to another judge and jury. The espionage act was one thing in New York and another thing in Kansas City. Though the value of legal precision is unquestionable, it is after all the spirit of a people that gives or withholds liberty. If a nation loves liberty, it does not need bills of rights and paper declarations; if it does not love liberty, then all the fine professions of faith imaginable are of no avail. Alexander Hamilton, a shrewd observer of human nature, once remarked that mankind was always on the way between hemlock and monuments. He made no chauvinistic reservations.

This is not to be interpreted to mean a criticism of Professor Chafee's important work. Every lawyer and law student in America should have to pass an examination in it before being allowed to practice upon the American people. It is a sane, thoughtful, and helpful book. Our gratitude to the author is immense —beyond words. Those who have closely watched the evolution of academic silence in the United States will not overlook the fact that Mr. Chafee is a professor in the Harvard Law School and labors under the jurisdiction of one college president who survived the war.

It is more than a coincidence that the collection of legal papers before us is also a Harvard product. Mr. Justice Holmes is the author and Mr. Harold J. Laski is the editor. Some of the essays are highly technical and deal with such matters as early English equity, agency, malice and intent, and executors. The remaining papers are short addresses and reviews prepared for divers occasions. Through them all there breathes that spirit of geniality, flexibility, and common sense which we have long been accustomed to associate with the name of the author. One can only wish that John Marshall had left something behind besides his pontifical robes.

CHARLES A. BEARD.

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AMERICAN POLICE SYSTEMS. By Raymond B. Fosdick. New York: The Century Company, 1920. Pp. 408. (Publications of the Bureau of Social Hygiene.)

"American Police Systems," by Raymond Fosdick, is a book which should be read by every person interested in the general problems of municipal government as well as by those whose primary concern is in police administration. Although special emphasis is placed upon the functions and workings of the police department, the book is really a cross-section of local government in this country. The information which is presented and the conclusions arrived at are the result of a two years' investigation covering over 70 cities in all parts of the United States, and the work is made especially valuable by frequent comparisons with European practice based upon the author's earlier volume on "European Police Systems."

Mr. Fosdick opens his discussion with a contrast between the amount of crime in the United States and European countries, especially England. The statistics quoted by him show that the homicides in a single American city, such as New York or Chicago, often surpass in a year the record for the whole of England and Wales. But the blame for this showing is placed not so much upon the police themselves as upon the courts, politics and the attitude of the public, which more or less condones a lax enforcement of the laws. He also mentions the fact that the American police problem is much more difficult than in European cities because of our heterogeneous population with its large number of unassimilated or poorly assimilated races. A final disadvantage under which American police departments are laboring is to be found in the presence on our statute books of laws which are unenforceable, because they interfere with customs widely practiced and generally regarded as innocent. In no other country is an attempt ever made to enforce standards of individual conduct which do not meet with general public approval, or to govern by means of law things which in their nature do not admit of objective treatment and external coercion.

The chapters on the organization of the department, the commission or director, the chief of police, the rank and file of the department, and the detective force contain numerous criticisms, especially when comparisons are made with European cities. But the author is not content with mere criticism, for this part of the book is full of constructive and practical suggestions for improvement. The essentials of efficient police organization, in Mr. Fosdick's opinion, are: first, that the relation between supervision and the detailed work of the department must be well balanced. The department should not be overloaded and top-heavy as in certain medium-sized cities where there are as many as four different supervisory authorities governing police forces of a hundred or so men; nor must there be under-supervision such as is found in some large cities where the police, fire, licensing and other departments are all under the same head. Secondly, the different parts of the machinery must be adjusted to one another so that there will be a proper co-ordination between the various bureaus and divisions. Finally, the whole machinery must be adapted to its task, and it is in this respect that American police systems are decidedly weak. A city like Indianapolis with a fairly homogeneous population of 250,000 is policed in much the same way as Chicago with a heterogeneous population of about 2,500,000. Also within the individual cities themselves there has been little change in methods of patrol; precincts which now contain a large foreign population are patrolled in much the same manner as during the earlier days when the population was almost entirely native-born. In general cities have blindly followed the methods of neighboring localities, and there has been little attempt to fit the machinery to local needs or to modern conditions.

Inadequate leadership is regarded by the author as the most important cause for the confusion and maladjustment of our police machinery. The direction of the police force of a metropolitan city is a huge task involving the expenditure of from $1,000,000 to $18,000,000 per year. The head of such a department must be a man of organizing ability and eager to keep up with the advanced methods employed in private business; he must also have tact, imagination, and the confidence of his subordinates and of the public in general. Colonel Authur Woods, former police commissioner of New York, and the late Commissioner O'Meara of Boston are pointed to as men of the type suited to regenerate our police. Unfortunately it has been difficult in most cases to obtain a man of this type, partly because of politics and partly because of the limited tenure of office. In American cities, too often police commissioners are appointed because they are good Republicans or good Democrats and their term is so short, averaging from one and one-half to three years in the larger cities, that they are really "birds of passage. . . . The force gets a glimpse of them flying over but hardly has time to determine their species." This is in contrast with the situation in English and European cities where the head of the police department is a specialist who is advanced from a smaller to a larger city, whose appointment is not affected directly or indirectly by politics and whose term of office averages from 15 to 25 years.

Mr. Fosdick is of the opinion that politics lies at the root of our present trouble and that the only way to have any substantial progress in police administration is through the development of a class of technical administrators for whom there is a great dislike in America, on the grounds that such a system is undemocratic. In answer to this criticism the author points to England and Switzerland to show that the distrust of permanent experts has no real basis if they are kept in contact with public opinion through the control of representatives of the people. The only solution, in the author's belief, for the present difficulties of police administration is in the creation of a new public sentiment and opinion strong enough and intelligent enough to place the police and all other specialized departments on a permanent expert basis, and that the only way this can be developed is through a gradual process of popular education in favor of such a plan.

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III. REVIEWS OF REPORTS

Boston City Planning Board. Sixth Annual Report for Year Ending January 31, 1920. Pp. 52.—The sixth annual report of the Boston City Planning Board is a record of achievement and one of sound advice pertaining to the many city planning problems confronting a municipality during a year.

Among the plans and recommendations prepared is one for a municipal flying field with a recommendation placing the enterprise in the hands of a bureau of commerce and industry. This recommendation together with the preliminary study of the Atlantic Avenue water front are steps toward the rehabilitation of Boston as a seaport, raising it from fifth to second place. Defenders of Boston Common should welcome the planning board's traffic relief measure whereby traffic will be rerouted and diverted through the Stuart Street extension or Western Artery. This should eliminate the need for slicing the

Common along Boylston and Tremont Streets. The threatened loss of Castle Island as a recreation ground has been strongly opposed in the report on the ground that its loss is necessary neither for commerce or industry nor for harbor facilities.

Mention is made in the report of legislative difficulties in respect to the housing and zoning bills. Since the writing of the report the zoning bill has been declared constitutional. The planning board has had removed one of the serious obstacles to the betterment of Boston. Notwithstanding legislative difficulties the planning board has published a good report of city planning accomplishments.

William A. Strong.

Cleveland City Plan Commission.

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Rochester [N. Y.] Bureau of Municipal Research. Report on a Proposed Classification of Titles and Positions in the Civil Service. 1920. Pp. 173.—This report, on a proposed classification of titles and positions in the civil service, was prepared by the Rochester Bureau of Municipal Research at the request of the special committee of the Rochester Council on standardization of salaries. The resolution appointing the special committee was passed in January, 1916; investigation was started in 1917 but interrupted by the War; the report was submitted on November 14, 1919. Since no action was taken by the committee for nearly a year, the bureau has now published the report under date of December, 1920, for the purpose of acquainting the public with the character of the investigation and the employment policy which has been recommended for adoption.

The report constitutes a departure from the usual standardization reports in that it does not set up standards of compensation. This problem of determining actual salary rates was not overlooked, but was left for separate consideration in a subsequent report. From a technical standpoint, it would seem to be correct procedure to separate the problem into these two component parts. But the question might be raised as to whether or not this is the best procedure when considering the practical aspect of having the scheme actually adopted by city council. Experience with city councils would lead the reviewer to believe that councilmen would be likely to consider such a refinement of technique impractical, due to the fact that their primary interest in this whole question is the amount of salary which is to attach to various positions and that they have very little, if any, real interest in scientific classification of positions.

The principle outlined in the report as to the relation of classification and specifications to the civil service commission may be questioned by students of this problem, in view of the fact that civil service commissions have played a very conspicuous part in standardization work in a number of cities and states. The report says, "Technically speaking, salary standardization has no bearing upon the problem of the civil service commission. The classification proposed herewith is primarily for fiscal control of salaries. . . . The function of the civil service commission concerns the recruiting and promotion of employes who are in the classified service and therefore in function, must be linked to a considerable degree with the problem of salary standardization." To limit the activities of the civil service commission to recruiting and promotion of employes would seem to place unwarranted limits upon the activities of the commission. There are many who believe that the commission should be the agency for standardizing positions, writing specifications, making such changes in standards as conditions require, as well as recruiting and promoting employes.

An examination of Exhibit No. 1, which gives in comparative form the present titles of the civil service and the proposed titles, shows that the new classification follows very closely the present classification, and hence no very radical steps are proposed. The positions of the proposed classification are listed under about 80 different groups. Each standard position is separately defined and is governed by a separate statement of appointment classifications, and no attempt is made to set up standards and qualifications for the separate groups under which positions are listed.

There is need for a standard classification of positions in city service applicable to all cities of similar size, and the report under review does not contribute anything new to the technique of classification of positions.

The report as a whole seems to be well thought out and executed, the definitions of duties are concise and clear and the statement of qualifications brief and inclusive. The adoption of the report would undoubtedly constitute a very important advance in civil service procedure in the city of Rochester.

Don C. Sowers.

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NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Sacramento's New P. R. Charter.—Under the charter recently adopted by Sacramento, the city council consists of nine members, elected under the Hare plan of proportional representation, the rules for counting the ballots being made an integral part of the charter through an appendix. The council selects the city manager, city attorney, police judge, city treasurer, city clerk and other employes of the council itself. They also elect one of their members mayor, and he is entitled to vote, but has no veto power. The council also appoints a civil service commission of three members for terms of six years and a board of education of five members for terms of five years.

The manager may be removed at any time by a vote of six members of the council without trial, except that during the first year of his incumbency he may demand a public trial and a hearing. Any employe may be suspended by him and removed upon unanimous consent of the council.

The civil service provisions of the charter are apparently its weakest feature. The heads of all departments and the chief deputies in each department are exempted from these provisions. The "rule of three" is incorporated in the charter. A preference is granted for honorably discharged veterans, their widows, or the wives of injured or disabled veterans. This preference gives any veteran who rates 65 in an examination, the passing grade of which is 70, a place at the top of the list of eligibles, ranking all persons who have not such preference. Efficiency records are required to be kept by the civil service commission. The commission also is required to determine the prevailing scale of wages in industries where wages comparable to those paid by the city are in force, and it is mandatory upon the council to adjust the wage scale accordingly.

The comptroller, appointed by the manager, in addition to the ordinary duties of such an office, is given supervision over the assessment and collection of taxes, special assessments and all other revenues of the city, and the purchase of supplies. Accounts must be kept on an accrual basis, and a property ledger is made mandatory.

A pension board is created, consisting of the civil service commission, the city manager and the city comptroller. All employes of the city are eligible to pensions after 20 years of continuous service, or after reaching the age of 70. Members of the police and fire departments who have passed the age of 55, or employes who have passed the age of 65, may upon certifications of physicians be granted pensions. Pension shall consist of one-half of the salary paid during the year next preceding retirement. Disability relief must also be paid by the city, and in addition a disability pension is provided for permanent disability. Dependents are provided for.

The adoption of this charter by Sacramento makes it the largest city in the west operating under a commission-manager type of government, and probably the largest city in the United States using the Hare plan of proportional representation. PAUL ELIEL.

⁂

Congress Adjourns.—The "lame-duck" session of congress adjourned on the eve of the inauguration of the new administration leaving civic legislation, pending and passed, as follows:

Budget bill, passed in the second session and vetoed by the President, not yet a law.

Joint committee on reorganization created by senate joint resolution 191 ready to function. Evening sessions were announced to begin immediately after adjournment of the old congress.

Calder-Tinkham housing bill (S. 4741–H. R. 15451) to establish a bureau of building construction and housing in the department of commerce, still in committee.

McCormick bill (S. 4542), to bring about a more effective co-ordination of the federal departments, to create the department of public works and the department of public welfare, together with numerous other bills to create new departments, died with the expiring congress.

Reclassification bills failed to pass during the short session. New bills will be introduced at the special session.

Jones-Esch bill (S. 4554–H. R. 14469), to exclude the national parks from the federal power act, became law by the President's signature late on the evening of March 3rd.

Smith bill (H. R. 12466), to secure easements in the southwestern corner of Yellowstone Park to dam the Falls river and flood the valley, was blocked in the house.

Walsh bill (S. 4529), to authorize the building of a dam across the Yellowstone river within three miles of its outlet from Lake Yellowstone, still in committee.

Most of these measures will come up before the special session in some form when, as Floor Leader Mondell says, congress will have nothing to do but legislate. Enormous appropriation bills were disposed of during the short session; a tariff bill was passed, which was vetoed by the president; the coal and packer bills were pushed some distance along the precarious road of legislative procedure but were not successful in completing their journey. The new congress should certainly find hard work and plenty of it, if it makes an attempt to pass legislation on all of these vital subjects. H. J.

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Seattle Traction Problems.—Under municipal ownership in Seattle, an eight and one third cent fare is being collected with a very considerable falling off in traffic. Losses in population and lessening employment probably account for most of this. The higher fare is bringing in more than sufficient to pay expenses and the cash deficit which has been accumulated will soon be wiped out. For the next few months the city will have to pay its street railway bills by warrants, but the statement is made that these warrants can all be retired by June 1. The banks are taking the warrants at par and no harm is being done the employes.

It will be remembered that at the time of this purchase the council had no appraisal made of the property the city intended to buy. The fund of $10,000 appropriated afterwards for an investigation of the street-car purchase was handed over to the mayor. The W. J. Burns' detective agency was employed to investigate possible corruption in connection with the purchase and reported that there had been no graft. A prominent attorney was retained to make a valuation of the property. He has reported that the value of the lines at the time of purchase did not exceed $7,800,000. The price paid was $15,000,000. The grand jury to which the mayor referred this report stated that in its judgment the value did not exceed $5,000,000. The grand jury's report was based partly on earning power, which was unfair, because by state statute the company had been limited to a five-cent fare. In any case the people of Seattle are convinced that they paid too much for the street railways.

Recently several taxpayers brought suit to enjoin the city from paying interest due on the street railway bonds. This suit, while raising the point of fraud, is really based upon the proposition that the city council has no right to draw on the general fund to operate the lines. At this writing the decision of the court is not known. As is generally known deficits in operating expenses have had to be made up by the general fund.

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City Jobs Fail to Pay Living Wage.—Two-thirds of the municipal employes of Philadelphia are not receiving a living wage, according to the Bureau of Municipal Research of that city. Over half of them do not come within $300 of receiving a living wage.

Investigation shows that 7,979 employes of a total of 12,000 are receiving less than $1,900 a year, the amount disclosed by a recent study necessary to supply a minimum living standard to a family of five. Of these, 6,968 are receiving less than $1,600 a year, and 1,498 are getting less than $1,300. The figures relate only to positions held by mature persons, presumably heads of families.

The report states that "the rapid falling off in the average number of persons attending the examinations, from 32.5 in 1915 to 6.7 in 1920, appears to have a striking relation to the shrinking value of the dollar during the same period. In the case of 84 of the 408 examinations in 1920, it should be added, only one applicant appeared, and in the case of 60 of these examinations no applicant at all appeared!"

*

An Optional City Manager Bill has been introduced in the Illinois legislature to authorize cities and villages with a population of five thousand or less to adopt this form of municipal government. The Indiana bill has passed both the house and senate and now awaits the governor's signature. It is too early to report the fate of similar bills in New Jersey and Wyoming.

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New York's Aerial Police.—New York is the first city in the United States to have a squad of aerial police. This squad was organized by the police commissioner in November, 1918, as a division of the police reserves, under the command of Col. Jefferson De Mont Thompson. The importance of aerial protection for New York city was first demonstrated by the aviators who directed the protection of communities near Morgan, N. J., during the great catastrophe of October 4, 1917. Later the aviators proved their usefulness by directing the work of the firemen during the Greenpoint fire. The squad may be used also for the detection of river thieves and smugglers, for heading off criminals and for carrying photographs and finger print records of criminals, when such records are needed in a hurry. A school of aviation is maintained by the squad.

II. COUNTY AFFAIRS

This is the year and the season when all the legislatures are in session and while at present writing, it is impossible to say what the legislatures will do, there is abundant indication that the subject of county government reform is becoming increasingly alive all over the union. There is increasing consciousness that county government is the citadel of the political boss and the political machine—the one place that is never disturbed by a reform wave.

Oklahoma. Chambers of commerce throughout the state and a number of members of the legislature have been lined up in the effort to put through a law that will make possible the application to county government of the city manager principle.

California. This state allows counties to write their own charters just as the cities do, and several have done so, without, however, giving us an example of much radical improvement in organization. Los Angeles county did well in cutting 13 officers off the ballot. San Diego county a few years ago voted on a fairly good county manager charter, but turned it down. Now comes Sacramento county, where the victory for the National Municipal League's model charter in the city of Sacramento is being followed up by a demand for the application of the same plan to the county, and an election of freeholders to draft a new county charter has been ordered. It is not a hasty movement, but is based upon the action of a 1917 grand jury which recommended such reorganization. It is possible by fast work to draft the charter and get its ratification by both the voters and the legislature this year.

In Alameda county, the long fight for the consolidation of Oakland, Berkeley and the other East Bay cities and the county into a single city-county government still goes on. A special constitutional amendment facilitating it was passed in 1918. Fifteen freeholders were elected to draft the new charter for the city and county of Alameda on February 3, 1921. The creation of a city-county manager has been from the beginning a feature of the plan of the promoters of the movement. After the charter is drafted some sections of the county will be free to exercise their own option as to whether they join the new city-county merger or set up a new and separate county.

Montana. Commercial interests in Anaconda and Butte have taken to the legislature a proposal for optional city-county consolidation. Such a bill is reported to have passed one house under the leadership of Representative H. A. Gallwey.

Wisconsin. An effort is under way to secure a constitutional amendment permitting city-county consolidation at Milwaukee. The county supervisors have opened war upon the proposal.

Kansas. Representative Ralph Snyder of Jefferson county introduced a constitutional amendment permitting counties to adopt a commission-manager plan with three county commissioners elected by districts and a "business manager" who would appoint the county clerk, treasurer, the clerk of the district court, registrar of deeds and all the other officials, except the probate judge who would remain elective. Representative Snyder is president of the Kansas state farm bureau and a leading farmer. He reports "there is considerable sentiment for this kind of a proposition here, but it seems we were unlucky in getting before the wrong committee," and the proposition died in committee.

Indiana. The senate has passed constitutional amendments to lengthen the terms of county recorder, auditor, treasurer, sheriff, coronor and clerk of the circuit court to four years, and to eliminate mention of the county surveyor from the constitution, thus clearing the way for the abolition of that office. It also passed another constitutional amendment making the term of office of prosecuting attorneys four years instead of two.

Pennsylvania. The commission on constitutional amendment and revision in its early draft cleared the way for sweeping changes in county government, but the county job-holders manifested their opposition, and the commission, with very little debate, restored the old provisions. The county of Philadelphia, however, was reserved for special treatment, and under the proposed provision a law may be enacted abolishing any county office in Philadelphia and transferring its duties and powers to a city officer. Important court consolidations are provided for and the mandamus evil is straightened out. The whole revised constitution as submitted by this commission is of uncertain importance, for no effort is being made to pass the new provisions in the legislature by the amendment process, and efforts are being concentrated on the calling of a constitutional convention which will presumably do the work all over again in its own way.

At Pittsburg, the Oakland board of trade has sent a memorial to the legislature urging the abolition of the board of assessors of the city of Pittsburg as a needless duplication of the work of the county assessors.

New York. Considerable but rather aimless discussion has been indulged in by the press in favor of charter revision in New York city, but the nearness of the next municipal election (November, 1921) makes it difficult to keep such endeavors apart from muckraking investigations. Reorganization and simplification of the five counties within the greater city has been a favorite topic in the discussion, and would be the most obvious objective of any charter committee.

A constitutional amendment which passed last year, and is up for second passage, provides that the legislature may provide by law for a form of government for the county of Westchester or of Nassau, populous suburban counties adjacent to the city of New York. Such new forms of government would be subject to adoption and approval by the electors of such county in an odd numbered year. There is some opposition from local office-holders. A member of the Westchester board of supervisors, for example, said: "If you think five men can run the county's affairs better than 40, then you are thinking of something that will tend to destroy what we now have here—a truly representative government." Re-passage of the amendment seems likely, and, if approved by the voters next November, would lead to the passage of a law providing the new form of government in 1922 or 1923, subject to adoption by the people of the two counties in November, 1923, and a possible wait of another year or two for the election of officials under the new plan.

The New York State Association, a new statewide civic association, has taken over the work of the defunct County Government Association, and a strong committee on county government has been created which expects to make studies and present legislative remedies to the next legislature.

A legislative investigating committee which submitted a rather pointless report on county government last year has reported favorably a constitutional amendment permitting the legislature to make new forms of government available to all counties. The bill does not, however, remove the requirement that sheriff, clerk, register and district attorney must be elective, so little can be gained.

New Jersey. A legislative investigation of Hudson county has been ordered.

Ohio. Mayor John Galvin of Cincinnati in his annual message, facing some consequences of the famous Smith one per cent tax law, proposes the division of Hamilton county and a creation of the separate county of Cincinnati with boundaries coterminous with the city. The effect would be to stop a transfer of certain funds which are raised in the city and expended in the rural section of Hamilton county.

Massachusetts. In this state county governments do not amount to much, but they have enough patronage to support what are known locally as the "county rings." Governor Cox, with the support of the Republican state platform and of the presiding officers of the legislature in their addresses when they took their chairs, has proposed the transfer of the penal institutions of the county to the state, which, in turn, would clear the way for the abolition of county commissioners, sheriff and the other county officials, leaving the county only a memory except for the election of district attorneys. A joint special committee on investigation of county government was created in January and is required to report March 31. The principal argument for the transfer of the county penal institutions to the state is the fact that in some of the jails there are often fewer prisoners than there are attendants and the per capita cost is exceedingly high.

North Carolina. The board of county commissioners of Guilford county has considered petitioning the legislature for permission to abolish the offices of county treasurer and coronor, the duties of the first to be transferred to the auditor, and of the second to the county physician.

Michigan. A determined organized statewide effort to secure constitutional amendment, removing the present obstacles to the reconstruction of county government on modern lines, under the leadership of C. Roy Hatten of the Grand Rapids Chamber of Commerce, has been fully reported in the REVIEW. A meeting of those interested has been held at Lansing and the movement has assumed such formidable dimensions that the county supervisors all over the state are giving it the compliment of panicky resistance and counter resolutions. The arguments advanced by some of the rural supervisors are delicious. The senate acted favorably on March 10. If passed it would be voted upon by the people in 1922.

OREGON. The tax supervising and conservation commission of Multnomah county, created in 1919, recommends adoption of a budget, centralization of tax levying and disbursing function and a joint tax levy of city and county. The commission was state-wide in its powers of investigation, but confined itself to Multnomah county in its report. There are now 80 taxing units in the county. One of the city commissioners of Portland utilized the occasion to urge that the true solution of the tax problem lay in consolidation of government and departments of the city and the county and the other units into a single government, and a constitutional amendment to this effect was introduced in the legislature. An organization has been formed to combat the amendment. The area included in the proposed consolidation is large, and includes mountain wilderness and small farming communities far outside the city limits of Portland.

WEST VIRGINIA. "The Bluefield Telegram" reports in an editorial, "There is a movement on foot to provide a county manager for the various counties in West Virginia to reduce the expense of administering county affairs." We have been unable to locate further facts about that movement.

WASHINGTON. At the request of the mayor of Seattle, Walter S. Meier, corporation counsel of the city, has prepared and introduced into the legislature a constitutional amendment designed to permit the formation of combined city and county municipal corporations, with a population of at least 80,000 inhabitants, with charters written under home rule provisions similar to those by which the cities of Washington write their own charters. The amendment would apply to Seattle, Tacoma and Spokane. If passed at this session, it would be submitted to the voters November, 1922, and if legislation under its provision was adopted in the session of 1923, such consolidation of city and county could be in effect in 1924 at the earliest. Another amendment introduced by Senator Cornwell provides that the legislature shall by general law provide a system of county government for such of the counties of the state as shall elect to be organized thereunder, whereby there shall be elected only boards of county commissioners, and whereby all other county officers shall be chosen by them and hold office during their pleasure; furthermore, the legislature by general law shall provide that any county may frame a charter for its own government.

RICHARD S. CHILDS.

III. GOVERNMENTAL RESEARCH CONFERENCE NOTES

Mr. C. O. Dustin, formerly director of the Springfield, Massachusetts, bureau, is now resident associate director of Ward, Hill, Pierce and Wells, located at 304 Flood Building, San Francisco.

Mr. C. G. Rightor and Mr. C. P. Herbert of the Detroit bureau have been making an examination of the accounting procedure of Kalamazoo, Michigan, for the city commission.

Mr. Clarence B. Greene, formerly with the Dayton bureau and now engaged privately in conducting charter campaigns, has recently conducted a successful city-manager campaign in Miami, Florida.

Mr. Luther H. Gulick, of the New York bureau, is instructing a graduate class in problems of municipal administration at Columbia Univesity.

Two Interesting State Budgets have recently been published,—that of South Carolina prepared by Ben M. Sawyer, and that of Illinois prepared by Omar H. Wright and William H. McBain.

Mr. Carl B. Jenkins, of the Training School for Public Service, succeeds Mr. J. H. Hott, as assistant manager of the Oklahoma City chamber of commerce, in charge of the department of research. Mr. Hott has become secretary of the Brownsville chamber of commerce.

The Chicago Bureau of Public Efficiency has issued a report on the high cost of elections in Chicago and Cook county. This supplements a report on the growing cost of elections issued in 1912.

Dr. D. F. Garland, formerly president of the Dayton bureau and director of public welfare in

Dayton since 1913, has resigned to become associated with the National Cash Register Company. The new position offers large opportunity for philanthropic service.

Mr. Harry Freeman, formerly of the New York bureau of municipal research, now city manager of Kalamazoo, Michigan, has resigned, effective July 1. This resignation occurs because vicious personal attacks are jeopardizing the future of the city-manager plan in Kalamazoo, which will again be voted upon. Mr. Freeman was recently offered the city managership of Dayton.

The Toledo City Journal of January, 29, 1921, contains the report of a crime survey conducted by the Commission of Publicity and Efficiency. The mayor's budget for 1921 is published by the same commission.

Mr. Gaylord C. Cummin of the New York Institute for Public Service is directing the activities of a citizens' committee looking to a reorganization of Michigan state government. A report has recently been issued.

The St. Paul Association of Commerce is in the process of establishing a bureau of research under the general direction of the association. This is similar to the bureau of municipal research of the Civic and Commerce Association of Minneapolis. Mr. Herman Egstad, commissioner of public affairs for the St. Paul Association is most active in the formation of the bureau.

Miss Mabel Inness, formerly librarian of the Municipal Reference Library and director of the Municipal Reference Bureau, of Galesburg, Illinois, has been made librarian of the Bureau of Municipal Research of Philadelphia.

ROBERT T. CRANE.

IV. MISCELLANEOUS

Resolutions on Housing and Control of Industry.—At the meeting of the National Council of the Chamber of Commerce of the United States, held in Washington January 27 and 28, there were extended discussions of the housing problem from the different business angles. Both in the addresses and in the resolutions adopted there was a wholesome recognition of the social need for good housing. The recent establishment of the civic development department under the direction of John Ihlder is further proof that the Chamber means to stress civic progress. Insofar as the resolutions point toward securing reliable information concerning housing they will be useful. The setting up of minimum standards should tend to eliminate the lower levels of housing. But it is clear that no prophet has yet come forth from the wilderness to show us the way to produce an adequate supply of good houses on a sound economic and social basis.

The council also passed resolutions advising the board of directors "to press the amendment" of the federal coal bill and the packers' bill "to conform with the fundamental American principles" of individual initiative; but the exact measures by which the council hoped to remedy the coal and packer situation were not set forth.

The Housing resolutions follow:

Whereas, there exists a serious housing shortage in the United States, and

Whereas, such a shortage constitutes a grave menace to the physical health and moral wellbeing of the American people, conduces to discontent and unrest and will, if long continued, lead to lessened efficiency and productivity, and

Whereas, providing and maintaining an adequate supply of good dwellings is essentially a business function,

Therefore, be it resolved, That we, as representatives of American business, urge that each constituent member organization of the Chamber of Commerce of the United States in cooperation with the National Chamber

1. Make, or cause to be made, a thorough study of the situation in its own community which will bring out the facts as to house overcrowding, erection of unfit houses and changes in house plans or construction that tend to rob the dwelling of its character as a home.
2. Based upon the results of such study adopt a constructive program designed to secure adequate and wholesome housing for all the people.
3. Set minimum standards for light, ventilation, water supply, sanitation and proper construction and maintenance for all dwellings; and take such action as may be necessary to make its conclusions effective.

Whereas, excessive costs constitute the greatest single obstacle to a resumption of construction,

Therefore, be it resolved, That we call upon all persons engaged in the business of manufacturing building materials of every class and character, as well as upon builders and contractors, to exert their utmost efforts to the end that conditions are brought about which will result in immediate reductions in costs of construction,

That we call upon the retailers and distributors of building materials to do their full share in meeting the demand of the people for cheaper building materials. That we call upon labor engaged not only in the construction industry, itself, but in the making of the great variety of materials of all kinds entering into construction, to do its full share, to the end that labor costs, which constitute so large a proportion of the total cost of raw materials and of building, may decline to a point where it will be possible to proceed with construction which is so essential to the health, comfort, and well-being of all the people,

That the Chamber of Commerce of the United States make such study of the housing problem, including costs of materials and labor entering into house construction as will locate the responsibility for excessive costs, and publish its finding so that all may know where the responsibility lies.

Whereas, investigations have disclosed the existence of illegal combinations in the building industry which tend to increase prices and restrict output,

Therefore, be it resolved, that we pledge our support to those who are bringing the facts to light, and

That we urge the continuance of investigations and the punishment of those guilty of illegal combinations between employers' organizations, labor organizations, or between organizations of employers and of labor.

*

The National Research Council Studies State Government.—The National Research Council in carrying out the purposes for which it was organized,—to encourage research in the physical, chemical, and biological sciences,—has undertaken certain phases of its work through a division of states relations. It is the object of this division to study the status of those departments of state governments which make use of scientific knowledge in their administration, such as boards of health, boards of agriculture, fish and game commissions, conservation commissions, offices of the state highway engineer, state geologist, state forester, etc.

The need for exact scientific knowledge in the administration of public affairs has made these departments very important parts of the system of state government. While the organization of these departments must be made consistent with the best system of government which can be devised by those who give their whole attention to this subject, scientific men may be able to make a contribution to the study of state government by showing whether the present or proposed machinery recognizes all the possibilities in the application of the scientific knowledge and in the research power of the country.

Among other divisions of the council are three which are engaged in similar studies of the conditions surrounding scientific effort in educational institutions, agencies of the federal government, and in our scientific relationships abroad.

It was early discovered that the bad administrative organization of our state governments was an impediment to scientific and research work as well as to efficiency along other lines. For this reason the National Research Council has become interested in state administrative reorganization and is planning several studies along this line. Prof. J. R. Douglas, formerly of the University of California, has completed a comprehensive survey of California's executive organization.

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Illinois Municipal League Meets.—The seventh annual convention of the Illinois Municipal League was held at Springfield, Illinois, on February 2 and 3. More than 80 delegates were registered, representing about 50 cities and villages. The most important subjects considered related to the problem of municipal home rule in the constitutional convention, the control of public utilities, and legislation to continue the increased tax rates authorized two years ago.

Resolutions were adopted which affirmed the position of the League in favor of constitutional provisions for municipal home rule, to support legislation to continue tax rates, to secure local control of local public utilities, in favor of an optional law for the city-manager plan, and also to endorse the report of the committee on accounting classification.

Mayor H. P. Pearsons of Evanston was reelected president and Professor Russell M. Story of the University of Illinois was elected secretary-treasurer in place of Professor John A. Fairlie. Mayor E. E. Crabtree of Jacksonville is chairman of the legislative committee.

*

The Goldsboro Bulletin is the name of the attractive publication started by the city of Goldsboro, North Carolina, the first issue of which had just been received. It is mailed gratis to the citizens and will appear monthly. Its object is to keep the people informed on the workings of their city government in order that Goldsboro may be the best and cleanest governed city in the state. The first number contains articles on the city-manager plan of government, the city beautiful, the new traffic ordinance, the malaria control exhibit, etc. Lionel Weil, a member of our council, is an alderman of Goldsboro.

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VIEWS AND REVIEWS

Hard Boiled Partisanship

The greenest voter knows that our politicians believe in the spoils system but civil service reform has discouraged public profession of faith in it. In Pennsylvania the legislature is considering a proposal to call a constitutional convention. A good many people think that the convention will profit if at least a few Democrats are elected to it, if only as a background on which to display superior Republican wisdom. It would seem only fair to recognize the party of Jefferson and Jackson occasionally in the Keystone State, say twice a century when constitutional revision is up.

Some Pennsylvania Republicans, accustomed to rule without consulting the Democrats, cannot see the force of this reasoning, and for them Representative Dunn of Philadelphia has spoken "Why should there be minority representation? I believe that to the victor belong the spoils. Let the Democrats put up a fight, and if they win I will be satisfied to have them throw out all the Republicans."

A fine sporting spirit! No fool talk about non-partisanship or civil service.

*

National Parks Inviolate

Secretary of the Interior, Judge John Barton Payne, at the hearings on the Walsh bill before the Senate Committee on Irrigation, March 1, 1921: "In my view, the greatest asset, stated within reasonable limitations, of the country are such national monuments and parks as the Yellowstone, the Grand Canyon, and other national parks which the congress from time to time has set aside. . . . If you once establish the principle that you may encroach upon a national park for a power or reclamation purpose, you have commenced the end. . . . Wherever there is a contest between conservation and utility, the utility is always working, and unless the people who stand for the broader view always stand and fight sooner or later utility will get the advantage and the conservation will pass. . . . There is a heap more in this world than three meals a day."

J. Horace McFarland, President of the American Civic Association, at the hearings on the Walsh bill, February 28, 1921: "We cannot have in the same place a natural reservation and a series of irrigation reservoirs. If we are to maintain the national parks as great and beneficent examples of the wonders of nature and of the unmatched scenery of our broad land, we must wholly exclude from them any other purpose than that to which they were devoted by congress. . . . There can be no true compromise: there can be no proper combination of lake and reservoir."

Democracy and Business Efficiency

There is much talk these days about the inefficiency of government and the need for a business administration. Not everyone will agree with Mr. Ely, who, writing in this issue, would superimpose corporation management on the government machine of the United States. He likens congress to a board of directors over the president and the reorganized cabinet to the small "inner council" of the Peace Commission. What could be further from the genius of our republic? The corporation operates more smoothly than the government largely because it is autocratic. As for the small "inner council" of the Peace Commission it appears to have been successful in securing arbitrary advantages for the few who participated, but where is the man who would claim that it was satisfactory to the people? How does the "inner council" fit in with our republican ideals? Leadership we desire, but is not the whole spirit of our modern polity for the participation of more, rather than fewer, interests in public affairs?

Corporation organization, of course, has been the modern contribution to business management, but it is still about in the stage of the smooth monarchical government of Charlemagne in France, or the early Edwards in England. Who can claim that the present-day corporation is democratic in practice? Industrial democracy is yet in its infancy. Our problem is to preserve participation of the people and at the same time to see that technical knowledge, professional ability and personal integrity are so valued by the public that they will be used in the business of government. H. J.

Federal Patronage

The Post-Office Department has for the present become the proving ground on which the merit system is to be tested to discover what the American people think of it. The question will be decided probably before this appears in print.

In accordance with campaign pledges, President Wilson, on March 31, 1917, ordered that thereafter postmasters of the first, second and third grades (the presidential class) be appointed only after the qualification of applicants had been determined by civil service commission standards. The order was not retroactive and applied only to future vacancies. A recent official tabulation shows that the order has been carried out in good faith and that the appointments made since the above date have drawn about equally on both parties.

Presidential postmasterships are nice plums, and the pressure on President Harding to revoke the order can be better imagined than described, particularly since under it present Democratic postmasters are blanketed in. But, by the shades of democracy, why should 286,000 postal employes be under the merit system while 11,000 postmasters, subordinate executives, should be selected on the basis of party service? Reports are that Postmaster General Hays will recommend that the executive order be continued, with "such rectifications as in all decency and fairness must be made to secure a square deal." (Remember that more than two-thirds of present postmasters are Democrats appointed before the executive order was made.)

It is to be hoped that Mr. Hays will discover that the real opinion of the country requires the abolition of the spoils system from post-office affairs.

SIMPLER ZONING REGULATIONS

BY HERBERT S. SWAN

MORE than passing interest should attach to the zoning ordinance adopted recently by the borough of Cliffside Park, New Jersey. Its most notable contribution is that for the first time in the history of such legislation in this country it combines the height, use and area zones on one map. The New York ordinance passed in 1916 contained three separate and distinct maps—one for each of the different kinds of districts. Up to the time of the Cliffside Park ordinance, all of the zoning ordinances passed followed the New York precedent.

When it is recalled that each of these different maps outlined from three to five different kinds of zones not coterminous with one another, the complexity of the regulations becomes apparent. Thus the New York regulations, though theoretically susceptible of 75 separate and distinct combinations, are actually applied to the ground in such a manner as to form 36 kinds of districts each with regulations differing somewhat from those of all the other districts. In the Newark ordinance the writer reduced the number of kinds of districts actually used to 25; in Yonkers, to 15; and in White Plains to 11. Each of these respectively in its turn served to simplify the application of the law. To what extent these regulations were improvements on what had previously been done may be suggested by those precursors of modern zoning regulations,—the Minneapolis and Berkeley ordinances which, unthinkable as it may seem, permitted several hundred different kinds of combinations.

Truly, progress is being made.

The Cliffside Park measure establishes only six different kinds of districts—one-family dwelling districts, two-family dwelling districts, multi-family dwelling districts, business district, industrial districts, and heavy industrial districts. Each of those different districts is supplied with its own independent set of height and bulk regulations. Instead of having to examine three different maps to ascertain how the zoning regulations affect his property, the resident of Cliffside Park has to examine but one. The advantage of having but one map is obvious,—it reduces zoning to its A, B, C.

For communities having different types of buildings pretty well segregated in different localities, and where the conditions are not too complex, it is thought that the Cliffside Park ordinance will mark a new departure. It is, however, not claimed that the height, use and area regulations can always be combined in one set of districts as was done in Cliffside Park. Where the conditions are very heterogenous and considerable elasticity is desired to suit the most diverse types of development, it may still prove desirable as hitherto, to utilize three maps and three sets of districts in order properly to adapt the regulations to the existing or prospective building development. It all depends whether simplicity or elasticity is the keynote to any particular case whether one or more maps need be used.

THE "CRIME WAVE" IN TOLEDO

BY WENDELL F. JOHNSON

Secretary, Commission of Publicity and Efficiency

A sharp increase in spectacular robberies with which the police did not cope successfully leads Toledo to believe that a crime wave was on. The results of her crime survey may reassure other cities. ::

THE crime survey made recently by the Commission of Publicity and Efficiency of Toledo disclosed the fact that while there has been a general increase during the last five years in the number of important crimes, "the increase has not been in the nature of an avalanche, and it is questionable whether it could be characterized as a 'crime wave.'"

The survey covered complaints of major crimes committed during the five years from 1916 to 1920, inclusive. By major crimes is meant those crimes looming up most prominently in the record, either because of the number committed, or because of the seriousness of the crime itself. The classification of crimes selected for the purpose of the study was as follows:

1. Homicide.
2. Robbery.
3. Safe blowing.
4. House breaking and entering.
5. Larceny.
6. Larceny from person.
7. Forgery and bad checks.

No attempt was made to compare the number of arrests made with the number of complaints received, nor the number of convictions secured. The survey endeavored merely to classify the crimes actually committed or reported to the police, and to show the variation in the number of each class of crimes from month to month over the five-year period.

The survey disclosed that there were fewer homicides in 1920 than in any other of the five years. A total of 25 homicides was reported as against an average of 34 for the period. The greatest number reported was in 1917, when 46 homicides were committed.

ROBBERIES MULTIPLY

A general upward trend in robberies was observed, the totals for the five years being respectively 339, 449, 428, 567 and 536. A sharp rise during the last months of 1920 in the number of robberies, the most spectacular of crimes, probably accounts for the local feeling that a crime wave is in progress in Toledo. It is this class of crimes that has been played up in newspaper headlines during recent weeks. Viewed in perspective, however, with previous years, the number of robberies seems less alarming.

A more rapid increase occurred in the number of complaints of safe blowing. In 1916 only seven complaints of this sort were received. In 1920, 36 complaints were recorded. It is interesting to note, however, that the number was slightly less in 1920 than in 1919.

Complaints of housebreaking and entering were more numerous in 1920 than in any of the other five years, although the record for a single month was made in October of 1916, when 165 of such complaints were counted. The highest number reported in 1920 was 159 in the month of October. The average for the five years was 1,074 per year. The number reported in 1920 was 1,314, or about 22 per cent more than the average, and about 50 per cent more than the number reported in the first year of the period.

Miscellaneous larcenies, exclusive of automobile thefts, were fewer in 1920 than in 1919 or 1917. The average for the five-year period was 2,492 per year. The number committed in 1920 was 2,685. The last four years of the period covered showed a considerable advance in larcenies over the number committed in 1916, when only 1,660 were counted, or 33 per cent less than the average.

The greatest increase in any one class of crimes occurred in the number of automobile thefts. In 1917, 247 automobiles were stolen of which 200 were recovered. In 1918, the number jumped to 776 stolen and 660 recovered. In 1919, 1,006 were stolen and 752 were recovered. In 1920, 1,138 were stolen of which 877 were recovered. There were stolen last year more than four and one half times as many automobiles as were stolen in 1917. The number of thefts increased 364 per cent in four years, while the number of recoveries increased 338 per cent. In other words, relatively fewer cars were recovered in 1920 than in 1917.

PICKPOCKETS FEWER

It is interesting to note that larceny from the person is declining in frequency. Fewer crimes of this sort were reported than in any other of the previous years. The average for the five-year period corresponds with statements from the police, who say that pickpockets are finding less opportunity to ply their trade as the people become accustomed to greater watchfulness when in crowds. Another reason given is that this class of criminal has left the pickpocket profession to engage in whiskey-running and other more profitable pursuits.

A considerable increase was found in the number of complaints of forgeries and bad checks. While 1920 was slightly better than 1919 in this respect, the number of complaints received during the last year was 88 as against an average of 66 for the five-year period.

FEW CRIMES IN 1918

It is interesting to note that in all the crimes, the year 1918 showed a remarkably low record. This same thing was found true with respect to Detroit in a recent survey of crime made by the Detroit Bureau of Governmental Research. This was recognized as an abnormal year with all crimes decreased.

The commission points out in their report that there is no particular cause for hysteria over the crime situation, but that the police should be better equipped to cope with the spectacular robberies, in which fast automobiles make possible the escape of the bandits. As a result of the report the Toledo police department is to be given six high-powered automobiles to be held in reserve for this purpose.

FUNDAMENTAL OBJECTIONS TO THE WALSH BILL

BY FREDERICK LAW OLMSTED

The Walsh bill permits the Yellowstone river to be dammed three miles below Lake Yellowstone in favor of private interests. It is a menace to Yellowstone park, as will appear from the following statement made before the Senate Committee on Irrigation. ::

1. THIS bill would definitely and irrevocably withdraw not merely from the agency which congress has set up for the administration of the national parks, but absolutely and finally from all agencies of the federal government, the power of decision and the right of delegating the power of decision, innumerable matters of design, construction, maintenance and operation intimately affecting Yellowstone Lake, which is the central feature of the Yellowstone national park, and would transfer these powers, through the state of Montana, to an agency or agencies whose purpose and whose positive duty would be not primarily the conservation and enhancement of the values of the park for the people of the United States, but the protection and enhancement of certain local property values and other local interest at the lowest practicable cost to the people immediately concerned.

2. Where it is possible and advisable in the management and operation of property for any given purpose to secure incidental values, or by-products, through serving also some secondary purpose, it is essential to businesslike administration that the final power of practical control over the operations which are directed to securing that by-product must remain with those who are responsible for securing the principal values. Otherwise the by-product is liable to be secured at an excessive sacrifice of the principal values.

For example: The principal business of public schools is education; although it is often practicable and desirable to use public school buildings for other purposes in addition, such as public meetings. Yet it would be manifest folly to divest the board of education permanently of the power of determining when and how public meetings are to be held in the school buildings and to place it in the power of some other body to settle such matters when their opinion differs from that of the board of education.

3. These considerations apply with peculiar force to parks, because the precise manner and conditions of their most effective service to the public, and the precise effect of any physical operations upon the quality of their natural landscape and upon their general value are very difficult to determine with precision in advance; and especially because the result of any given methods of operation and management is cumulative over many years of growth and betterment, or of gradual deterioration, and often the effect is not generally appreciated until the causes have been at work for a long time. It is one of the most important functions of a park administration to be watchfully alert to such cumulative effects and tendencies of the methods employed and uses

permitted and to correct the inevitable mistakes of judgment as far as practicable before their injurious effects become excessive.

4. This bill and other propositions to use national parks for incidental or secondary purposes which are entirely distinct from those for which the parks were created—propositions to secure valuable by-products of an economic sort from the parks while maintaining them for their principal purposes—are ostensibly predicated on the assumption that these by-products can be secured without impairment of the value of the parks as parks.

I cannot too strongly emphasize the lesson which I have learned from years of experience with park administration all over the country, that the only safe way in which to obtain any such by-products without material and often fatal sacrifice of the prime park values is to place the responsibility for, and effective permanent control over, all the details in the hands of those whose duty and purpose it is to protect these prime values.

A thorough and impartial investigation might establish or might disprove the practicability of so regulating the outflow of Yellowstone lake as to secure material economic benefits without injury to the value of the park for its proper purpose. But if this possibility should be clearly established, I am positive that the only safe way to attempt its realization would be to place the complete and undivided responsibility for all the work upon the same agency which is made responsible for maintaining the park values as a whole; to the end that this economic by-product should be secured just in so far as it is compatible with the prime purpose of the park, and *no farther*.

Any other method is equivalent to a city's giving to a convention bureau the right and duty of determining when and how it will use a high school auditorium regardless of the opinion of the board of education.

5. If you ask me for a specific opinion on the general proposition of regulating the outflow of Yellowstone lake, aside from the fundamentally mistaken method of accomplishing that result which is proposed in the present bill, I can only say that I have not yet had opportunity to study it with sufficient thoroughness to venture a positive professional opinion.

A dam of the sort indicated in the prospectus now before your committee, operated under the conditions laid down in that prospectus, would be certain to injure the park appreciably; and if operated with first regard for the interests of its local beneficiaries rather than for the interests of the users of the park, as would be the inevitable result of alienating its management and control from the United States, would be likely to work a surprising amount of injury.

Whether a dam and regulating gates suitably designed and suitably operated with an appreciative and skillful understanding of park requirements could accomplish, without appreciable net injury to the park, economic results worth more than the cost of construction, maintenance and operation, I am not prepared to say without a thorough study of the conditions.

But I would no more think of alienating the right to construct and operate such regulating devices to local interests, than an irrigation district whose object is to draw upon its reservoir for the maximum supply of water during two or three months would freely and irrevocably entrust the operation of its reservoir to a power company whose object is to secure a steady flow of water throughout the entire year.

MUNICIPAL STREET CLEANING WINS IN PHILADELPHIA

BY JAMES W. FOLLIN

Bureau of Municipal Research of Philadelphia

I

THE first substantial victory in Philadelphia's long fight against "contractor rule," which fed largely on street cleaning contracts, was gained when the city began on January 1 to clean a number of its own streets. The second victory was won when the mayor later announced that next year all street cleaning will be done by city forces. Philadelphia has at last been convinced that municipal street cleaning and garbage disposal is not socialism.

Under Philadelphia's new charter which went into effect on January 5, 1920, it is provided that after December 31, 1920, street repairing, street cleaning and the collection and disposal of city wastes should be performed by municipal forces, unless contract work in whole or in part should be authorized concurrently by the council and the mayor. Prior to the advent of this new provision, these services (with the exception of emergency street repairs) had been performed by contract in accordance with the requirements of an act of the Pennsylvania assembly in 1869. Since it was apparently uncertain whether the authority was given the city to contract for a longer period than one year, one-year contracts had been employed and there was no real competition in the bidding for the work.

The fight for charter revision in Philadelphia, which began in 1917 and resulted in the passage of a new charter in the 1919 session of the legislature, was waged very largely over the subject of municipal contracts and contractor government. Moreover, the municipal election of the fall of 1919 centered around this same issue and the successful candidate carried in his platform pledge the statement that "the city must clean its own streets and provide for the efficient collection and disposal of garbage."

The new administration went into office, therefore, pledged to municipal street cleaning and with a year of grace in which to make its preparations. For director of public works the mayor chose John C. Winston, a widely known book publisher and reformer who had been chairman of the charter revision committee. Mr. Winston was immediately confronted with the enforcement of street cleaning contracts drawn and awarded by the previous administration. He found difficulty in reorganizing the street cleaning bureau and was unfortunate in his selection of a new bureau chief. Under the strain of the work Mr. Winston's health broke, and he died in the early spring. His work was carried on by the assistant director, Joseph C. Wagner, until the middle of July, when the present incumbent, Frank H. Caven, was appointed.

II

After several months of inactivity in these matters, a special appropriation was made available about May 1, 1920, for a study of the street cleaning situation. A special force was assembled to compile and digest pertinent information, and a committee of engineers was sent to some fifteen of the large American cities to observe street cleaning work. This committee (consisting of two engineers in the city's employ and the present writer) made a report in July recommending the inauguration of municipal street cleaning in the entire city in 1921. Just prior to August 1, proposals for contract work were advertised in accordance with optional provisions of the new charter, and bids were opened September 15.

About October 1 the administration sent recommendations to council for only partial municipal work in 1921, with the explanation that it was impossible to assume these functions for the entire city because of the financial, organization and equipment problems involved. The plan for a partial program was approved by council and went into effect on January 1, 1921. To-day municipal forces are cleaning the streets and collecting refuse in two of the thirteen street cleaning districts, while contract forces cover the remaining districts. The municipally cleaned districts are in the center of the city and include the retail business district and residential sections of both high grade and low grade character, as well as wholesale and industrial sections. The city has purchased and is operating the garbage reduction plant formerly owned by the Penn Reduction Company, which had held a monopoly on garbage disposal for a number of years.

The mayor has announced on two occasions since December 1, 1920, that next year all of the city cleansing work would be done by municipal forces. This declaration of policy has been received with approbation by those who have realized that the first step to clean streets in Philadelphia was the introduction of municipal work. However, if the mayor had stated his position six months previously it would have cleared away the uncertainty and misapprehension which existed at the time that plans were under discussion for the year 1921. The administration's plans for 1921 were sent to council without any expression of policy on the issue between municipal and contract work, or a statement as to whether municipal work would be extended or suspended in 1922. Naturally there was apprehension about the fulfillment of the charter requirements.

As we look back over the events of the past eighteen months it is evident that the fate of municipal street cleaning hung in the balance while the mayor made up his mind as to the value of a change in procedure that had been written into the charter by "reformers and theorists." In spite of the fact that all other large cities employ municipal forces for street cleaning, and that this service is not properly susceptible to contract performance because it cannot be definitely specified nor adequately inspected, the mayor was originally dubious of municipal performance. On one occasion he referred to municipal street cleaning as "municipal ownership" to which he is opposed in principle. It is quite apparent that a non-revenue producing service of the type of street cleaning cannot be compared with revenue producing public utilities on the public ownership and operation of which public opinion is divided. Recent statements by the mayor indicate that he has probably decided the issue on this last named basis, and has not become an advocate of municipal ownership and operation in general. He made himself clear on this point when he stated his position as opposed to municipal operation of the city-owned gas works after the present operating lease expires.

WHERE TO BEGIN IN TOWN IMPROVEMENT

BY HARLEAN JAMES

Secretary, American Civic Association

If your town is dead, you can't sell it a park program or a city plan right off the bat. What it needs is a new civic conscience. Begin with a garden committee. :: :: :: :: :: :: ::

Two very common initial mistakes have in many towns delayed the civic improvement desired by its promoters. The first is one of personnel and the second one of subject matter.

In considering the first, let us remember that every community is provincial and inclined to resent reforms advocated by outsiders. We in Pikesville do not welcome public officials from Blanksburg. Indeed in the case of public officials we usually see to it that the law requires a residence of some years in our town before a citizen becomes eligible for public office. We believe that our problems are so specially our own that only one who has had long acquaintance with them is fitted to solve them properly. And while we cannot pass a law against a newcomer who insists on reforming us, we can criticize and ridicule and hold back so that it is very nearly impossible to effect changes in our town. Therefore it is the part of discretion that the movement for civic improvement in any town should be led by those who are considered "old timers." No matter whose the ideas, the outward and visible leadership should be native sons and daughters or those who have been completely adopted by the town.

The mistake of subject matter is that which might be typified by offering a college education before that of the primary grades. Civic reformers who have become imbued with the enormous advantages of regional planning and civic centers are apt to believe that a town can be re-made and modernized by voting bonds or increasing the tax rate to produce large sums of money to be spent in parks, playgrounds and paving, and they are surprised and pained when the voters and taxpayers refuse to authorize these expenditures.

Now parks, playgrounds, civic centers, street improvements and regional planning are all undeniably desirable ends, but voters must be led to believe in them before they can be expected to vote the rather large sums of money necessary to make any considerable showing. How shall we find means to bring the importance of these town improvements home to the voters? Perhaps if we clean up the town, the residents will find themselves more interested in improving the place. But it is not always possible to enlist the sympathies of everybody in "clean-up campaigns." Some people resent being told about their back yards and cellars. They consider these their personal affairs and they hold that no one has a right to prevent them from sweeping their own trash into the streets in front of their own houses.

GARDENS INTEREST EVERYBODY

There is, however, a subject on which every person can be approached without fear of offense and which leads inevitably to cleaner premises and cleaner streets. Over a long period of years, with a knowledge of thousands of conversations, I have never heard of a single person who would not "open up" cordially to exchange information concerning gardens. It is the one subject on which an "investigator" is never snubbed. From the owner of a single stunted geranium growing in a tin can to the grower of an elaborate perennial garden, or the cultivator of an efficient vegetable plot, seeds, manure, plants, weather, tools and results are invariably-accepted topics of conversation. And since no town can go very far without the human co-operation of all classes of its people the garden movement has the advantage of providing, in addition to a certain degree of actual physical improvement, the means of association between people who, in the beginning, may have no other interest in common.

From a rosebush to a well-planned park and playground system may seem a long journey, but the rosebush route is vastly more effective than the more usual way of trying to impose an elaborate town and park plan upon an unwilling and unappreciative people. It may seem very "amateurish" to some of our park experts to advocate as the first step in town improvement the organization of a garden committee. But ten or fifteen years hence, the town with the garden committee may well incorporate quite ambitious plans into its budget, whereas the town which to-day buys an elaborate plan and tries to foist it on an unready population may, at the end of a decade, find itself no nearer to the realization of its fine plans than it was the day they were made and laid on the shelf until the town should appropriate the money, or perhaps pass the ordinances, necessary for putting the plans into effect.

GARDEN CONTESTS

One of the best ways to organize a garden committee is to offer prizes through the local newspaper. All amateur gardeners should be encouraged to enter their gardens in the contest. First, second and third prizes may be offered for:

1. The best back yard flower garden.
2. The best back yard vegetable garden.
3. The best front yard in plan and condition.
4. The best vacant lot vegetable garden.
5. The best children's flower garden.
6. The best children's vegetable garden.
7. Any special prizes, such as those for roses, bulbs, largest and best collection of vegetables.
8. Window boxes if the houses are built flush with the street so that front yards are eliminated.

The committee may organize trips of inspection and arrange score cards for marking progress. Window boxes should be visited once in the late spring and prizes awarded in the early summer. Flower and vegetable gardens should be visited twice during the summer and prizes awarded in the early autumn. A special committee is usually gathered together to make the third and final visit to a selected number of gardens distinctly better than the general average. A loca committee which formerly used quite an elaborate scale has finally reduced the scoring to "production" and "condition," because of the obvious difficulties in applying evenly and fairly a scientific scale when the visits are made by different groups of volunteers.

The work required to raise the money for the prizes, the publicity of listing entrants, the news secured in making visits and the honor conferred on the prize winners all help to popularize the movement. The use of vacant lots for gardens involves the cleaning of the lots and their consequent improvement. The use of vacant lots may usually be secured without cost until they are needed for building purposes. Often philanthropic owners will have the lots cleaned and plowed. In any case the rules for entrants should require that the gardens be kept weeded and that a succession of crops be planted instead of allowing bean vines and corn stalks to wither and die in weedy desolation. Vacant lot gardens present a better appearance if the space is laid out as a whole and bordered by flowers. Five-cent packages of zinnias and corn flowers will make a showing at first and more elaborate borders can be planted later. In case of permanent gardens perennials may be started which will give a succession of blossoms each year.

The children's gardens will need supervision if this is not furnished by the schools. The trial-and-error method may be good pedagogy, but it does not produce good gardens. A little knowledge is essential to success in growing flowers and vegetables. It is ordinarily quite worth while for a garden committee to raise the money to pay a supervisor during the summer months. The supervisor may also prove of great help in handling the adult contests.

A GARDEN FAIR

One of the most effective and pleasurable ways of raising money for gardens is to hold an out-of-door flower market or garden fair in May. Here all kinds of seeds and plants may be placed on sale. Tools, baskets, benches, garden hats, cotton gloves, weeding mats and garden accessories of great variety may be included. Some of the things may be secured by donation and others may be sold on commission. If the town orchestra or other music is provided the fair will prove more festive. Lunch and soft drinks should of course be served. These can usually be provided by donations. A milk booth exhibiting milk products and selling milk punches, cheeses, buttermilk and sweet butter may be made a source of education and profit. Usually the county agent or the state college of agriculture will co-operate in this and other ways. The college will sometimes send a garden exhibit. A tree booth may encourage tree planting, and, if a shade tree committee is formed, information can be given concerning shade trees best adapted to the climate and those most effective in combination with the native trees and varieties already planted in the streets. Groups in certain blocks may be urged to agree on a method of planting that block or more ambitious street-tree planting schemes may be adopted. Demonstrations can be given at the booth in methods of transplanting and caring for trees.

It is an excellent idea to buy seeds in quantity from some reliable seedsman and to put them up in garden committee packets for sale at the fair and during the season. With a little instruction volunteer workers can help at this task which in itself helps to arouse interest and enthusiasm. Poor seeds, bought at the corner grocery, often serve to discourage the amateur gardener. The seeds sent out by congressmen, while they will sometimes grow, are not to be depended on and most garden committees have found it cheaper and better policy to provide good, reliable seeds in order to prevent the waste of time and labor involved in planting seeds that fail to germinate or those which produce poor stock. Enthusiasm of amateur gardeners is built upon good results and it is not wise to jeopardize results in any element that can be controlled.

Enough money can usually be raised at the garden fair to pay for supervision of the summer's gardens and cover the prizes. The merchants of the town will ordinarily help by contributions of cash or kind. In the autumn an exhibit of garden products and public conferring of prizes can be combined into an interesting event.

OTHER CIVIC VENTURES

The garden committee can undertake, with the co-operation of the agricultural college, the improvement of the school grounds and plots around the public buildings if they are not already cared for by a town department. In fact there are many activities that will suggest themselves to the workers of the town as they go about looking for new fields to conquer. After a single season of gardens a town might well embark the following spring on a general clean-up preparatory to the garden activities of the summer. Some of the prizes awarded in the autumn may have been bulbs, which will add materially to the desire to clean up in the spring.

A town which has aroused the interest of everybody in gardens and established contact between its residents might then venture on a park and playground campaign with some assurance of success. The street-tree program should have brought the overhead wire evil to the front and possibly banished the wires to the alleys or back fence lines if the town cannot afford underground conduits. The treatment of streets in paving, parking, sidewalks and shade adapted to the uses of the street might well become in due time the subject of intelligent interest and so be followed by actual action.

Indeed, starting from an active garden committee and a town-wide participation in garden contests, all the more intricate problems of town planning, treatment and arrangement of streets, protection of residence zones, grouping and treatment of public buildings, treatment and route of main highways connecting with other towns, all of which require expert advice and substantial expense, might be achieved through the understanding and sympathy of all the people, a method based on sound democratic principle and applied in a way to develop habits of human co-operation.

HOW WE RUIN OUR GOVERNORS

BY ALFRED E. SMITH

Former Governor of New York

"How long would any great corporation live if the man directing its affairs was compelled to spend 75 per cent of his time doing clerical work?" :: :: :: :: :: :: :: :: ::

How long would any great corporation live if the man directing its affairs was compelled to spend 75 per cent of his time doing clerical work, signing papers, listening to reports that might well be directed to a competent subordinate? Can you imagine Judge Gary of the Steel Trust, signing three copies of every lease that that corporation makes? Can you imagine him reading over the contract for the removal of ashes from one of the plants? Can you imagine him signing hundreds and hundreds of papers that might well be signed by the attorney of the corporation or by a vice-president or some equally responsible individual?

Theoretically the governor is the

head of the government. He is supposed to plan the broad administrative policy. People think that he deals with large affairs. As a matter of fact his energy is consumed by trivial details of a clerical or subordinate nature. There is little time and strength left for the high functions of his office. In addition to the reorganization of administrative departments to give him easy control and supervision over executive affairs, the governor must be relieved from scores of petty duties which demand his attention at serious detriment to his work for the people.

The most annoying duty that is placed upon the governor is his chairmanship of the trustees of public buildings. The capitol and agricultural hall in Albany are directly under the control of the trustees of public buildings, and the law contains a provision that all leases made between the state and the various landlords must be executed by the trustees of public buildings.

The trustees consist of the governor, the lieutenant-governor and the speaker of the assembly. It has been the fact for years that these three men come from widely different parts of the state. For the most trivial things the governor must call these men, after the adjournment of the legislature, from their homes to attend meetings for routine business.

The superintendent of the capitol should have some of the power now reposing in the trustees. He should be empowered to dispose of useless furniture and fittings. As the law now stands he cannot dispose of a broken desk or a broken chair (I had to confer over some desks worth $1.25 each) without the consent of the trustees of public buildings. They have to award all contracts, and before the contract to take the ashes out of the power house can be renewed the trustees must meet and pass upon that solemn proposition.

The state makes hundreds of leases in various cities for branches of the different state departments. Even for the small gas testing station required by the public service commission, the rental of which may be only twenty dollars a month, the governor and other trustees must sign three copies of each lease. Before part payments can be made for contracts for repairs to the capitol the trustees must approve, although the determination of the matter is naturally in control of the state architect.

JANITOR DUTY

If a room is to be painted in the capitol or a new strip of carpet is to be laid, there must be a meeting of the trustees, and the work cannot progress until the governor lays aside his other duties and takes up for consideration the question of a few pots of paint.

The superintendent of buildings is so limited in his authority that he is really the janitor of the building, and seldom makes any important move without seeking the advise of the governor or his secretary, all of which takes considerable time. His powers should be amply extended. He should be given the same authority as other department heads. That would relieve the governor greatly.

SIGNING PAROLES

The law requires that the governor sign all the parole sheets before men are liberated from the various prisons of the state, even after they have completed the minimum time for which they were sentenced. This is an absolutely useless proceeding. The governor can have no personal knowledge of it, and simply signs the sheets certified to him by the board of parole.

They properly should be signed by the superintendent of prisons, he being in possession of all the records. They are brought before the governor, and without any knowledge of his own, and no opportunity of gaining any, he simply goes through the empty formality of signing them. They come with great frequency. Every time the board of parole meets, the lists are brought in. Not only must they be signed by the governor, but they must be attested by the secretary; thus the time of two busy men is taken up in a useless performance, which should be handled entirely by the superintendent of prisons.

In order that police officials appointed by railroad companies may have a state-wide power of arrest, some time ago the law was amended providing for their appointment by the governor. That means that large stacks of certificates of appointment of railroad policemen are laid before the governor for his signature. He does not know the men he appoints, and has to rely upon the railroad as to their integrity and honesty when having conferred upon them by the governor the power of arrest. If such appointments are necessary (which is probable) by some state power, it certainly ought not to be in the hands of the governor. I have spent whole hours at a time writing my name to appointments of railroad policemen. These men should be appointed by the attorney-general who has deputies to assist him in his work. Unfortunately there is no deputy governor.

AN ARMY OF NOTARIES

All applications for notaries public—and there are some 65,000 of them in the state—are sent to the executive chamber, making necessary a whole department in the governor's office for the handling of the applications. This function does not belong in the executive chamber. It should properly be either in the attorney-general's office or in the office of the secretary of state, where a large part of it might well be performed by deputies.

There is a provision of law which requires the governor to sign all contracts for repairs and betterments in the state hospitals—not only sign the contract, but also the architect's blueprints. He knows nothing about it and signs them usually upon the recommendation of the state architect. The law ought to be amended so that they be signed by the architect himself, and if there must be any check on the architect, it certainly should be by somebody in a position to know something about it, and not the governor.

STATE CONSTABULARY

The act creating the state constabulary contains a provision that the constabulary are not to exercise their powers in case of strike or riot within the boundaries of an incorporated city without the consent of the governor. This provision operated to make the governor the police commissioner when troops are needed for the suppression of riots inside of cities.

The result of this has been to cause the governor not only annoyance in the daytime, but at night. I was frequently called out of bed at night by the officials of small cities asking for the assistance of the state constabulary. In a great many instances their troubles were imaginary.

I have in mind one particular case where I was called up in the middle of the night by one official of the government of a city asking for the constabulary and called up an hour later by another official of the same city advising me not to send them in. That made necessary a conference in the nighttime with the superintendent of the state police and we satisfied everybody by sending the men there in citizen's clothes.

LAST-MINUTE BILLS

There is another important matter that deserves serious attention, that might be easily remedied. It would require only legislative action, either by amendment to the rules, or if not, by amendment of the legislative law, to prevent the dumping of a large number of bills into the executive chamber, giving the governor only thirty days to consider them.

At the last session of the legislature I had 856 thirty-day bills. That meant that I was given only thirty days to consider 856 bills. A great many of them were purely local in character; a great many of them were bills empowering the court of claims to hear and audit claims against the state.

This could be remedied by an amendment to the rules of the senate and assembly prohibiting the passage of purely local bills after a certain date in the session, so that the legislature may pass its unimportant local bills in the early months of the session, leaving the calendars clear at the end of the session for a discussion of the large proposals that affect all the people of the state.

This procedure would also give to the governor plenty of time and opportunity, in the thirty-day-bill period, to study out the larger proposals, and not have his time and the time of his office force taken up in passing on little local matters.

My experience at the close of the last session showed me that the large number of bills left with me could not be intelligently disposed of unless I worked from 9.30 in the morning until 1 or 2 o'clock the following morning. It is too much of a strain to put on the governor, and leaves him useless for some time after.

OTHER SMALL DUTIES

There are numerous other small detail duties that fall upon the governor in dealing with the great number of boards and commissions that we have transacting the state's business. The governor would be greatly relieved by the passage of the constitutional amendments reducing the large number of boards and commissions to eighteen departments of government, presided over by men given by law the necessary power to transact all the business of their departments.

The governor is unable to deny to citizens of the state serving on boards and commissions without salary, an opportunity to present to him their views about what is going on in their different institutions. Nothing takes more of the governor's time than listening to the complaints about the management of various institutions, large and small, all of which detail ought to be up to a man charged with that duty and with no other. It is because of that condition that I had to make a special trip to Bedford Reformatory, following the recent newspaper stories of riot and disorder at that institution.

The total net result of a New York governor's too-plentiful duties is that the great, big, prominent questions that affect the welfare of a commonwealth of over 10,000,000 people are subordinated to the small, tiresome and irritating tasks that are put upon the governor by statute.

OMAHA'S EXPERIENCE WITH THE COMMISSION PLAN

BY VICTOR ROSEWATER

It was predicted in short ballot pamphlets long ago that Omaha's non-partisan ballot of seven offices, instead of the usual five or three, would automatically lead the voters again to dependence upon slates made up by interested parties and give advantage to slate candidates over independents. This prediction has proven correct. Otherwise this story reports typical results of defects inherent in commission government. :: :: :: :: :: :: :: :: ::

How has commission plan of city government worked in Omaha? Has it met the expectations of its advocates and sponsors? What advantages and what shortcomings has it disclosed in the nine years of its operation? Before answering, the conditions under which the commission plan was originally adopted must be briefly reviewed.

As a consequence of more or less general agitation, the Nebraska legislature of 1911 enacted a commission plan of city government law, to become effective in any city in the state upon ratification at a special election called in response to a petition signed by 25 per cent of the voters. I promptly set in motion the machinery to procure the needful signatures in Omaha, which proved no difficult task, and commission plan government was approved by decisive majority, with no open opposition.

DIVERGENT SOURCES OF SUPPORT

It may be asked, why was the commission plan so easily "put over?" It was because it received the combined support of usually hostile groups—the dissatisfied, the reformers and the experimentalists, all demanding "a new deal," as well as the then entrenched incumbents who confidently figured that they could hold on readily as city commissioners. The former included the "outs" who wanted to become "ins," the folks with accumulated grievances, the so-called "strict law enforcement" or "Sunday-school" crowd, the idealists and practical reformers who hoped for civic betterment through improved governmental methods. The city hall "machine" embraced the dominant powers backed by the "liberal" element, and the advantage of power and patronage masked behind the leadership of a mayor with admittedly great personal popularity. It was plain that though these forces might join to adopt the commission plan, they were sure after its adoption to clash in a struggle for control. It was plain, too, that the hopes of the different elements were widely divergent and their measuring-rods of success or failure by no means identical.

PUBLICITY VALUE OF COMMISSION PLAN

Strange as it may now appear, the mainspring of the commission plan movement in Omaha was a zealous desire to exploit it for advertising purposes. This explains how it came to be fathered by the local Ad Club, which devoted numerous sessions to debating the subject and employed and paid an attorney to draft the law. That the advertising possibilities mainly should have attracted such an organization is not at all surprising when we remember that Galveston had, a little while before, reaped a golden harvest of free publicity in newspapers, magazines and public meetings from the transformation of its municipal government following the great tidal wave, and that Des Moines' commission government just at that time was being lauded in print and picture as approaching the municipal millennium. Why should not Omaha do something to draw more serious attention to its push and progress and community achievements than the projection of a "Cowboy Mayor," and what more likely to satisfy this ambition than following in the footsteps of Galveston and Des Moines? Therefore, commission plan made its formal bow under Ad Club auspices. It is entirely safe to assert, however, that the hoped-for harvest of advertising has been dismally disappointing. In the past nine years, Omaha has enjoyed its share of general publicity, good and bad, but little of it is to be credited specially to the adoption of commission plan.

BANISHING PARTISAN POLITICS

According to prospectus, the commission plan was to divorce the administration of municipal affairs from partisanship, draw into the public service business and professional men hitherto refusing to risk contamination in the cesspool of politics, command by its increased salaries real ability which otherwise could not be induced to leave private employment. The small-bore politicians would, we were assured, see the futility of offering themselves as candidates for commissionerships; the non-partisan ballot would compel people to vote for men rather than for party labels, and enable them to exercise an intelligent choice for only seven instead of 17 city officers, who, being under no party obligations, would choose subordinates for fitness only, regardless of party service, and keep them alert by permanent tenure and merit promotions.

While the primary ostensibly constitutes a free field for candidates to seek nomination individually and without regard to party affiliations, the competition regularly resolves into a contest between two or three combinations arranged by the candidates themselves or by friends, or clubs, or organizations, promoting their fortunes. And in the make-up of these "slates," the party politics is never overlooked, the design being to frame a ticket enlisting support by reason of the previous party activities of those favored who have been carefully picked with a view to control after election if successful. Such "slates" sometimes carry names for seven places (never fewer than the requisite four to make a majority of the seven), and are generally revised after the primary to replace broken ranks, or to annex outsiders who have demonstrated special strength in the elimination contest, and the lines are thereupon redrawn between two "slates" of seven, those not taken into one being forced by circumstances to put up a combined opposition. Even then the successful "slate" has lost one or more weak members as against the strongest on the other side, the fallen comrades being "taken care of" later with appointive jobs exactly as under the party system. What has really transpired has been a temporary holding in abeyance of party names during the non-partisan election with a campaign waged by two new political parties specially formed for the occasion.

But election as "non-partisans" has not worked automatically to divest the commissioners of regular party attachments. For example, Omaha's commission plan government was inaugurated by retention of the previously controlling mayor and his associates who had been the beneficiaries of the local Democratic organization, or more correctly speaking, constituted the Democratic "machine." This kept in the city hall the same Democratic contingent, barring a few whom the republican minority succeeded in holding or trading. The "non-partisan" mayor, the very next year, ran for re-election as the Nebraska member of the Democratic national committee; his appointive city clerk was the Democratic county chairman who when rewarded with a federal "plum" passed his political job on to his successor in office; the city hall was the rent-free Democratic headquarters much of the time. When another mayor was installed three years ago he showed himself an equally partisan Democrat only of the other faction; he was forthwith launched by his appointees for the Democratic nomination for governor, but the move was not persisted in and he became executive committeeman of the Democratic state committee; and when the President was prevailed on to appeal to Nebraska voters for a Democrat for United States senator, the letter was addressed to Omaha's Non-Partisan Democratic mayor. After these striking examples no wonder another non-partisan commissioner last year ran and was elected a delegate to the Republican national convention, and afterwards conducted the local campaign as Republican county chairman. When a vacancy occurred owing to the death of one of the commissioners, it was at once agreed to confine consideration of the successor to be named by the Council to applicants of the same political party.

THE QUESTION OF EFFICIENCY

If increased efficiency of public as of private service means better results for the money, another advantage of commission plan should accrue from more centralized and more responsible organization. The demarcation of the seven departments roughly outlined in the enabling act had to be completed by action of the commissioners.

Administrative functions were distributed among the departments in a manner to reflect the personalities of the commissioners then heading the different departments. The mayor, the repository of all appointing power under the preceding system, retained the larger part of the patronage by expanding the jurisdiction of his department to include positions regarded essential to the "organization." The public library went to the police department, because the police commissioner had once been a member of the library board, and was detached and placed under the street cleaning department when the two superintendents later exchanged places by an enforced transfer. When reassignment of departments was necessitated for a new set of commissioners, a redistribution was effected, taking from the department of public affairs the city clerk, weights and measures, license inspector, market master (added to the department of accounts and finances), custodian of city hall and auditoriums (added to the fire department), and gave it the city chemist. The municipal coal yard was allocated to the street cleaning department because it was promoted and established by its superintendent at the time he was in charge of the department of accounts and finances. The council also undertook to transfer the asphalt repair plant from the street cleaning to the public improvements department, but reconsidered its decision in order to escape a referendum threatened by the commissioner who objected to being thus deprived of his perquisites.

In Omaha, as elsewhere, and under commission government as previously under its fire and police boards, the police department has been the storm center of controversy and the source of greatest popular dissatisfaction. The commissioner first assigned to that department had to be removed by his colleagues "for the good of the service," and the one who replaced him became so involved that he was the only one refused a renomination when he sought it. Nor has the work of that department run any smoother under his "reform" successor. The practice seems to have been to "unload" the police department with the result of making it an experiment ground for untried police officers constantly changing. At any rate, it has been the department that has drawn the most adverse criticism as compared with the others less in the limelight.

Functioning as members of the city council, the commissioners have worked together with a fair degree of harmony. The inevitable inside combination, however, controls whenever disagreements develop over questions of policy or when the personal prestige of any of the dominant clique must be upheld or defended. This combination is forced at the outset of each administration, when the choice of one of the commissioners for mayor must be made. By these trades desired administrative departments are assured to at least three other commissioners needed to insure a majority. It is exceptional, too, that the same men prove strong as executives and in the council; they may be weak in both capactiies.

THE QUESTION OF ECONOMY

Economy is but a phase of efficiency and, it goes without saying, is also comparative. The operating expenses of the city have more than doubled during the period and the bonded debt has increased 60 per cent, excluding the issues aggregating $12,000,000 for purchase of water and gas plants. Of course, the people have many things to show for the money—fire department motorized and its strength raised from 208 to 325 men, police force increased from 136 to 263, parks enlarged, playgrounds added, boulevards laid out, municipal auditorium acquired, municipal coal yard established, street-lighting extended, city hospitals maintained, sewers built, public highways improved by grading, paving and sidewalks.

Special consideration must also be accorded the fact that the area governed has been enlarged by annexation of South Omaha and several suburbs, and that the population served has increased from 125,000, in the 1910 census to 191,000 in the 1920 census, or by more than 50 per cent, proportionately augmenting the tasks devolving upon the municipal authorities. Incidentally it must be recalled that this period embraced the transition from "wet" to "dry," that it covered all the city's activities in connection with the World War, that it included the readjustments forced by the shortage of labor, change in living costs and sky-rocketing wages and prices, that conditions have been abnormal for commission plan cities as well as for other cities.

RESPONSIVENESS OF COMMISSION PLAN

Another advantage claimed for commission government is that it gives an administration more responsive to the wishes of the people asserted through initiative, referendum and recall. In these nine years no action has been forced upon the council by initiative proceedings, but the referendum has been twice invoked, once in 1916 upon a street-lighting contract and again in 1918, as already mentioned, upon a revised apportionment of department functions. The street-lighting contract precipitated a conflict with the management of the water district which denounced this contract as an effort of the electric lighting company to block the embarkation of the water plant into the manufacture and distribution of electric energy. The appeal to the voters resulted in a decisive endorsement of the agreement entered into by the council with the electric lighting company. The second petition for a referendum was instigated by a member of the council to frustrate an alleged attempt of a combine of his colleagues "to freeze him out" of his proper jurisdiction over the asphalt repair plant; in this case, the councilmen rescinded the objectionable ordinance rather than go before their constituency on it.

While talk of recall has been almost continuous, the recall machinery has been but once set in motion. The petition, which presented the names of four commissioners to be removed and four to be substituted, reflected the resentment of certain labor organizations against "unfair treatment" at the hands of the city administration. Upon verification, the signatures proved inadequate and the demand was not pressed further.

Petitions to reopen and resubmit the adoption of the commission plan have been prepared and circulated at least twice without reaching the stage of actual filing. This demand emanated chiefly from residents of sections of the city deprived of representation by the abolition of the system of electing councilmen from wards.

The infrequent resort to these direct vote controls does not, however, by any fair test measure the force exerted through them. The ever-present possibility of invoking a ballot-box verdict of the court of public opinion renders them potentially operative all the time as a spur upon the commissioners to respond to public demands and as a deterrent from acts calculated to arouse public wrath and resentment. This latent power of the petition back of the commission has been frequently evidenced.

GENERAL RESULTS

As a city Omaha has made visible progress in all directions since adopting the commission plan of government, but whether it has forged ahead faster or slower primarily for that reason is debatable. In many respects, the results have not come up to the roseate promises of its proponents and the plan itself has shown some inherent defects. The consolidation of municipal activities is incomplete, inciting conflict often where there should be harmonious co-operation. The seven commissionerships are at least two too many, producing arbitrary and illogical divisions of authority, to say nothing of unnecessary expense. The consensus of intelligent opinion is that five commissioners would do the administrative work more efficiently and discharge the council duties just as well if not better. The designation of the mayor by the commissioners after the election rather than by the voters in the election has also proved a questionable experiment. The non-partisan ballot does not guarantee invariable choice of the most experienced and dependable candidates for commissioners, and the personal equation and individual ability of the officer invested with power and responsibility is still, under this plan as before, the determining factor in the government. The very fact that a demand for return to the mayor and council plan is occasionally heard, and that open agitation for a trial of city manager government is right now going on with apparently increasing favor, indicates that the commission plan, although a change is scarcely imminent, is not sufficiently entrenched in Omaha to discourage advocates of other systems.

CIVIL SERVICE AND THE POLICE

BY H. W. MARSH

Secretary, National Civil Service Reform League

The secretary of the Civil Service Reform League takes issue with Mr. Fosdick, author of American Police Systems, regarding the place of civil service examinations in police administration. :: ::

Mr. Raymond B. Fosdick, in his book on American police systems, published for the Bureau of Social Hygiene, has paid tribute to the civil service reform movement, but at the same time has made one or two statements which, if true, reflect seriously on the civil service systems as they exist in America to-day. He says, with respect to the application of civil service examinations for the selection of chief of police, that "civil service has too often proved a bulwark for incompetence and neglect to justify over-sanguine hope in its extension to this new administrative field." However, in the next chapter he stated that "it is no exaggeration to say that civil service stands between the police and utter demoralization in the cities of the United States."

Mr. Fosdick admits again and again that the difficulty of providing a competent police force in our cities is traceable to local politics. Political influence, he says, is responsible for the

> constant alteration in our police machinery. Obstacles in the way of complete dominance by party machines have been overcome by the easy processes of law, and police departments have been revamped and reshaped, not in the interests of public service, but to facilitate the operation of the spoils system or strengthen the grip of some political machine. . . . The effect of this treatment on police organizations has been peculiarly disastrous. The department has been stunted and dwarfed, with no opportunity for rational development. It has been shaped as a tool of party success, rather than an instrument of public service. Regarded as the legitimate spoils of victory at the polls, it has been prostituted to base and selfish purposes.

WHAT IS THE MERIT SYSTEM?

Except for Mr. Fosdick's admission, more or less grudgingly made, to the effect that the civil service of the cities of the United States stands between the police systems and utter demoralization, he gives practically no recognition to the improvement in the administration of police departments generally, with the adoption of civil service regulations. He calls attention to the European treatment of the police problem, where the head of the police department is selected purely and simply on the basis of merit and fitness, and where the head has an absolutely free hand with all appointments, promotions and removals. As Mr. Fosdick says, the problem of the civil service regulations as we know it in this country is unknown in the European police systems. There the positions are considered expert ones, and there is no question of interference by any political party or class of citizens.

Unfortunately we have in the United States with relation to the merit system an apathetic public, which so far has made it impossible to secure the appointment of experts at the top of our law-enforcement bodies. The nearest approach we have to a satisfactory solution of this lack of efficiency in our police systems is to apply the merit system as provided in our civil service laws. If our laws provide an imperfect merit system, it is to be hoped that all public-spirited citizens will take an interest in improving those laws.

The merit system is that system of appointment, promotion and removal in the civil service founded upon the principle that public office is a public trust, admission to which should depend upon proven fitness; that the public is entitled to reasonable qualifications, fair character, capacity and efficiency on the part of its official servants, that these elements are likely to be ascertained by impartial scrutiny under the safeguards of law, and that with such exceptions as may be expedient, not inconsistent with the foregoing principles, appointments to executive offices in the civil service shall be made from persons whose fitness has been ascertained by competitive examinations open to all applicants properly qualified, and that removals shall be made for legitimate cause only, such as dishonesty, negligence, or inefficiency, but not for political opinion or refusal to render party service. In the eleven states and some three hundred cities of the United States having civil service laws, it is hardly possible to find two civil service laws which make the same provisions and which operate in precisely the same way. In other words, the civil service regulations thus far adopted in the various cities and states are none of them alike, and in many cases they differ so widely that there is no basis for a comparison. Obviously, therefore, it is unfair to criticise them all alike. Obviously, also, it would be unfair to Mr. Fosdick to take various quotations from his book in which he criticises civil service regulations in general and consider them without their relation to his book as a whole. Mr. Fosdick is, perhaps, without knowing it, an advocate of the merit system.

The civil service laws in the United States were given to the public by a grudging law-making body. The members of the law-making bodies are almost wholly the nominees of the political organizations. The political organizations have for many generations depended in large measure for continued existence upon their ability to provide government positions for their leaders, and their faithful voters. It is only in very recent years that the members of congress have been able to see the great advantage to them individually and collectively of being relieved of the necessity of providing government positions for their constituents who seek reward for party service. They are realizing more and more that every appointment secured for a constituent, while it makes a friend of the appointee, makes scores of enemies of other constituents whom they have disappointed.

The members of the state legislature are slower to see that the spoils system is a handicap to them, but in practically every legislature there are senators and representatives who would welcome a way out of the old and time-worn method of maintaining life for the political party through the distribution of patronage. The application of the merit system through civil service laws is the only means that has been provided for the relief of the patronage evil, and civil service laws must remain for this purpose if for no other. Our political organizations must come to a full understanding of the folly of providing jobs in reward for party services.

POWER OVER REMOVALS

Because of this very political pressure which is constantly at work among our law-making bodies, our civil service laws are full of imperfections. Mr. Fosdick's principal complaint against the civil service regulation is that restrictions are placed upon the heads of the police forces in the matter of removals.

Mr. Fosdick writes:

> The arrangements in Chicago and Philadelphia, for example, by which the members of the force are answerable to an independent body having no responsibility for their work and no direct concern for the morale of the department, result inevitably in divided leadership and demoralization. Similar consequences can be expected when the disciplinary acts of a police executive can be overturned on appeal to a civil service commission or other higher authority. The uncertainty of punishment, the incidental delay and the loss of respect for the nominal police head on the part of his subordinates—such factors as these go far to outweigh the value of the protection against the play of politics which such a system affords. . . . Certainly no business man would attempt to conduct a private business with such a personnel. He would be foredoomed to failure from the start.

The difficulty with the matter of removals is one which has always given much concern to those public-spirited men in the country who have made a special study of civil service regulations. The national Civil Service Reform League started out with the doctrine so epigrammatically announced by Mr. George William Curtis, that if the front door to the civil service was properly safeguarded the back door would take care of itself; in other words, where the merit system was in force there would be no thought of restriction upon the heads of department in the exercise of the power of removal. Up to the year 1897 there was never any question as to any other policy in the federal civil service. In 1897 the League approved a new rule in the civil service which was issued by President McKinley, which in substance required a statement of the reasons for removal on the part of the removing officer and an opportunity for the employe to reply in writing. The League has at no time advocated any restriction upon the freedom of the head of a department in making removals other than the requirement that he state reasons. The League has always believed that in no case should any removal process be subjected to review in the courts. The restrictions that have been placed upon police commissioners in the matter of removals can undoubtedly be traced to the fact that the merit system has not operated in the appointment of the commissioners themselves. For as Mr. Fosdick so ably points out, the police chiefs and commissioners are in most instances appointed because of political favoritism and for the most part have proven to be totally unfit to perform the duties of their respective offices. The result has been again and again that subordinates have been brought up on trumped-up charges and unjust removals have been made and unjust disciplinary measures have been taken. The natural result has been that the subordinates through organizations of their own have presented their case to the legislature and the legislature has provided them with the most obvious remedy which was available; namely, review of all removals in the courts. It has been with great difficulty that the organized advocates of the merit system have prevented the extension of this court review of removals to all ranks and grades of employes in the civil service in New York state and in the cities of the state. The answer to Mr. Fosdick's criticism with regard to the restriction upon removals is a simple one. The merit system must be made to apply to the police commissioner himself, and the restrictions upon removal will then, we hope, become a thing of the past.

PROMOTIONS

But Mr. Fosdick's specific criticisms of civil service regulations are not confined solely to the matter of removals. He says their defects are almost equally obvious in the matter of promotions. To substantiate his position in this respect, he quotes Arthur Woods, former police commissioner of New York city, who says: "Civil service examinations, even when conducted with intelligence and integrity, are not successful in putting at the top of the list the men who have done the best work." Mr. Fosdick also quotes from no less an authority than Theodore Roosevelt, who expressed himself in his autobiography as follows:

> I absolutely split off from the bulk of my professional civil service reform friends when they advocated written competitive examinations for promotion. In the police department I found these examinations a serious handicap in the way of getting the best men promoted, and never in any office did I find that the written competitive promotion examination did any good. The reason for a written competitive entrance examination is that it is impossible for the head of the office or the candidate's prospective immediate superior himself to know the average candidate or to test his ability. But when once in office, the best way to test any man's ability is by long experience in seeing him actually at work. His promotion should depend upon the judgment formed of him by his superiors.

These statements by two well-known and highly respected former police administrators are impressive and do actually represent in a measure the views of many administrators of government offices. It is undoubtedly a fact that civil service promotion examinations for such a service as that of the uniformed force of the police department do not always succeed in providing promotion for the men who most deserve it. The civil service promotion examination is capable of improvement, but this fact does not furnish an adequate reason for doing what Roosevelt and Woods have suggested; namely, turning the matter of promotions over to the head of the department, giving him an absolutely free hand. Let us consider for a moment what would happen in case this suggestion were followed.

Take, for example, a hypothetical case such as the city of Philadelphia, where after a reform administration went out with Mayor Rudolph Blankenburg, a purely political administration followed under Mayor Smith. For the sake of argument, suppose that the examination system had been suspended for promotions in the police department and the director of public safety had a free hand in making his promotions. The director of public safety might easily have attempted to build up in his department a political machine with the material provided him from the lists for original entrance to the service. He would thus be able to construct in his department an organization which would serve his own or his mayor's political ends in the next election. He could adopt any examination system of his own for the purpose of making promotions, but the chances are that his promotions would be made purely and simply upon the basis of the political service which this, that or the other members of his force could render him. In a police force as large as that in the city of Philadelphia, to give a police commissioner the power to make his promotions in accordance with his own personal judgment would be absolutely fatal, particularly so long as the police commissioner is subject to the political influences of the party which put the mayor in office. It is sufficiently difficult to keep politics out of the administration of a police force in any of our cities as it is, but to remove all civil service restrictions in the matter of promotions could not fail to throw the police force more deeply than ever into the mire of political prejudice and manipulation. There can be but one answer to Mr. Fosdick's suggestion that civil service examinations should be done away with in the matter of promotions, and that is, "Don't do it!"

SELECTION OF DETECTIVES

Mr. Fosdick also finds in his book that the shortcomings of civil service are even more pronounced in their application to the detective bureau than to the uniformed rank. He says: "No written examination can fairly test the peculiar qualifications of a successful detective, such as ability to read faces, developed habits of observation, aptness in securing evidence from witnesses, and, above all, a facility in obtaining the pertinent and essential facts of a given situation." It is undoubtedly a fact that civil service examinations which have been held for members of the detective forces of our cities have resulted in the appointment of persons who are of questionable ability, if not actually unfit. It is possible that Mr. Fosdick's statement quoted above is substantially correct and that a *written* examination for the selection of a detective is impracticable. It is not a fact, however, *that a civil service examination* is impracticable for the selection of such employes, and demonstration has been made of the practicability of such tests in the examinations conducted by the United States civil service commission for special agent of the intelligence unit, bureau of internal revenue, and for the selection of agents and inspectors under the Harrison anti-narcotic act. Examinations for the latter positions are of the so-called non-assembled type; that is, the candidates are not required to report for examination at any place, but are rated on the subjects of physical ability and training and experience on sworn statements in this application, and upon corroborative evidence which is secured through investigation by the examiner. An important part of these examinations is the oral test which follows the rating of the applications and in which a thorough cross-questioning of each candidate is given by expert examiners who have had long experience in this kind of work. The result of these examinatons is the appointment of a corps of men in this particular unit of the bureau of internal revenue unexcelled in detective work throughout the country. The criminal investigation work under the Harrison anti-narcotic act is a peculiarly good demonstration of the practicability of examination for the selection of detectives, because a thorough knowledge of the provisions of the Harrison act are not so important as is the detective ability of the persons who are to do the work. The class of criminals who traffic in drugs is notoriously the most difficult class in the country to deal with. Drugs are well known as the easiest commodity to smuggle, and the most difficult commodity for government agents to locate. And yet the men in the anti-narcotic unit have worked effectively and quietly ever since the Harrison act has been in existence, and they were actually recruited through civil service examinations of the character outlined above. Colonel L. G. Nutt, the head of the unit, has stated that he would not want to select his men through any other method than civil service examination.

It is undoubtedly true, as Mr. Fosdick says, that a better balance between civil service protection and effective leadership can be achieved than has been achieved up to the present. The police force, however, must be protected from the politician, and that protection from the politician is much more important than it is not to rob the police executive of some of what Mr. Fosdick considers his right as an administrative head. "The unchallenged right to reject after probation any candidates who proved unsatisfactory" is a legitimate condition of acceptance of civil service examination requirements; but to restrict the civil service machinery to "the furnishing of raw material" and to leave the question of promotions entirely at the whim of the head of the department, especially as long as we have no better method than the present for appointing the head of the department, would be fatal to the efficiency of the administration of the police system generally throughout the country.

THE NATIONAL GOVERNMENT AS A BUSINESS ORGANIZATION

BY OWEN ELY

At the present time the office of president of the United States is of overwhelming importance. The executive has now assumed the active direction of foreign affairs and exercises a large amount of supervision over legislative and political activities, in addition to handling the routine administration of the government. Moreover, in increasing degree he must furnish the leadership in all economic emergencies and take the initiative in the solution of great national problems. He has become in every sense the "big boss" of the whole nation, the man to whom all eyes turn in time of crisis. So crushing is this weight of responsibility that President Harding has stated his intention of restoring to the legislative branch of the government a larger measure of initiative and decision.

During the administration of President Taft the committee on efficiency and economy which he created made numerous suggestions for the transfer of bureaus from one department to another. The entire executive organization was carefully analyzed and charted. An investigation was also undertaken as to the savings which might be obtained through the adoption of modern system and uniform office methods. The report when turned over to congress was virtually shelved by that body. President Taft might be likened to a corporation executive offering to his board of directors a practical program for increasing plant efficiency, without arousing their interest or gaining their approval. To continue the parallel, the directors were so busy playing the political stock market that they found no time to discuss administrative problems or production costs.

President Wilson during the war was given limited authority to reorganize various federal bureaus and commissions, but no fundamental changes in the departments were made—perhaps wisely so, as the legislation was purely for war purposes and will expire automatically with the technical declaration of peace.

PRESIDENT HARDING'S ATTITUDE

President Harding, in a recent magazine article, declared that "We must conduct a careful scrutiny of our great executive departments to plan so that similar labors shall not be duplicated and so that similar functions shall be grouped and not scattered." In several public statements he has suggested the creation of a new federal department for social service, taking in most of the functions of the present labor department and including scattered bureaus or commissions whose work lies within the sphere of practical sociology. It is evident, therefore, that the new administration intends to take some definite action toward a reorganization of the departmental service. It was recently reported that practical plans were even now being considered for a consolidation of the war and navy departments, for the relocation of various bureaus, etc.

Congress also is awake to the need of thoroughgoing reform. A strong movement is on foot to organize a department of public works, designed to supersede the interior department and to take over all governmental engineering and construction enterprises. A bill has been drafted by Senator McCormick to set up new departments of public welfare and public works, to take over certain functions now performed by the other departments, and also to transfer to the department of commerce various bureaus or offices which should properly belong to that department.

AN IDEAL ORGANIZATION

It would be an interesting problem to undertake the theoretical task of reconstructing the executive department from beginning to end in the light of present-day problems, conditions and business methods. Let us imagine that we are given *carte blanche* to devise a scheme of reorganization along broad lines, without regard to the multitude of details which a formal act of congress would have to embrace. This outline will be attempted simply on the basis of logical arrangement and business efficiency, without taking into account any legal or political considerations.

An important consideration is the reduction of the size of the cabinet to efficient working proportions. The average corporation directorate numbers fifteen to twenty members, but it is usually the executive committee, consisting of four or five men, which makes the important decisions. In Paris the "Committee of Ten" was found unworkable and was finally reduced to the "Council of Four." Many other instances could be given in support of the principle that small groups of men can formulate matters of policy more efficiently than large groups. The advantage of an "executive committee," or inner cabinet, whose sole duties should be to consult with the president on nation-wide policies and problems, seems evident. The "inner cabinet" was adopted in England in order to speed up the war effort, and the adoption of the principle was strongly advocated in this country. It is true that peace-time activities do not require such great concentration of power; yet the general principle still holds good.

Nine members should be about the effective working limit of any cabinet group. It is the present size of the interstate commerce commission and of the supreme court. Seven or five might be a more workable size for administrative purposes. Let us assume, then, that our reorganized cabinet consists of the president and six cabinet members. In the following outline the cabinet is thus reduced from the present number of ten to seven members, and one of these would participate in cabinet discussions only in affairs of administration. They are as follows, in approximately the order of importance:

1. Secretary of social policies.
2. Secretary of industry and commerce.
3. Secretary of finance.
4. Secretary of foreign relations.
5. Secretary of legal affairs.
6. Secretary of national defence.
7. Executive secretary.

Is the new terminology too novel or practical? The European phraseology —secretary of state *for* war, secretary *for* foreign relations, may seem more logical, but is less euphoneous. "Director" is more significant than "Secretary," but we must retain at least some connection with present familiar titles.

Possibly the first point which will impress the reader is the merging of the war and navy departments. This is advisable largely for the purpose of administrative economy, and while it would be impracticable to make such a radical change in time of war, it could easily be worked out in time of peace when congress has time to devote to the necessary legislation. Large sums could be saved by the combination of the purchasing organizations of the two departments, as was demonstrated by the work of the war industries board, which was, however, only a temporary organization.

The disappearance of the secretaries of agriculture and interior as well as the postmaster-general, is another radical feature of the program. These posts have been merged with that of the secretary of industry and commerce, to which they are closely allied. The secretary of the interior has merely the loose ends of government business and has, as is generally recognized, no logical place in a functional scheme. His various duties should be distributed to the departments where they properly belong.

The secretary of social policies is easily recognizable as the secretary of labor, but with functions considerably broadened, in line with the policy advocated by President Harding. The secretary of legal affairs is the present attorney-general, and the secretary of state has merely been designated by the correct European term of "secretary of foreign relations."

The executive secretary is a new post, the creation of which is suggested by the vast growth of the department as a business organization. In general, he would combine the posts of secretary, comptroller and statistician in the corporate form of organization. He would also take over many of the important duties which at present devolve upon the president's private secretary.

Further details of the proposed organization include the addition of a "liaison" office to each department. This term, borrowed from military parlance, indicates an inter-office and inter-departmental organization to maintain that *esprit de corps* which is now so sadly lacking in our bureaucratic régime. Its function would be primarily to combat an ancient practice known as "passing the buck." These liaison offices should furnish the "trouble men" or special agents who, though not responsible for initiating any plans or developing any tangible programs, could "follow through" on special work and see that the end in view be not obscured by divided responsibility or lack of jurisdiction. The liaison office must not, however, be regarded as a clearing-house for *all* interoffice communications, for that would only multiply red tape. They must avoid the minutiae of rules and regulations as far as possible by right of appeal to the respective secretaries or even to the president.

THE CABINET POSTS

Let us take up the various proposed cabinet posts in their order:

The premier post should be held by the secretary of social policies, who will deal with all matters generally embraced in the meaning of the term "applied sociology." He will investigate the underlying causes of popular unrest—any unfair distribution of wealth or income, any lack of co-operation between capital and labor, or any widespread agitation of a politico-economic nature. He will make practical and comparative studies of our varied social phenomena, observing the effects of laws and regulations, and will report regularly thereon to the president and to congress. With such an office properly equipped and given appropriate powers, congress need not depend upon its own costly and cumbersome "special commissions" for investigation of public affairs. The secretary would also supervise all racial work, "Americanization" and education in all its branches, so far as possible with the powers now vested in the federal government. Through the distribution of facts and statistics he would give active direction and advice to progressive private organizations.

The purpose of the department of social policies would be to combine the various governmental bureaus now dealing with different aspects of social welfare, and to round out the work which they undertake. In this connection such problems as child welfare, maternity care, public health, accident prevention and unemployment may be mentioned as coming within the scope of the new department.

The duties of the secretary of commerce and industry will, as indicated in the organization outline, be manifold. He will have under his control the present postmaster-general, whose duties do not seem important enough to warrant a cabinet post. He would also have control over railroads and shipping, co-operating with any independent bodies such as the interstate commerce commission and the shipping board. He would also have such control over natural resources—public lands, parks, forestry, mines, etc.—as is now exercised by the present secretaries of agriculture and the interior. He would have under his direction the various bureaus established to promote invention and research and to encourage foreign trade (including the consular service, transferred from the state department). In commercial parlance, he would have charge of "production," while the secretary of social policies would have control of "sales."

The secretary of finance would occupy the position of the present secretary of the treasury with little change except for the addition of a bureau to consider financial policies in relation to the budget. The administration of pensions should also be removed from the interior department to the financial department, as it is a form of expenditure requiring careful auditing, and this department has the proper facilities for such work, in connection with its internal revenue territorial organization.

The secretary of foreign relations,

who as secretary of state under the present régime occupies almost the position of premier in our governmental system, would also survive with little change, as indicated in the outline. He would, however, be given supervision over the governors of colonies, furnishing an increased amount of administrative work and relieving the president of direct supervision over colonial affairs. At present a part of our colonial work is handled by the army and navy departments, which are entirely unfitted to formulate policies, however much their aid may be required to help enforce them.

The powers of the attorney-general would be slightly enlarged for our new "secretary of legal affairs." He would report to the president upon the form and constitutionality of all proposed legislation and would also make recommendations as to prosecutions, criminal pardons, etc. The consideration of pardon cases now takes up too much of the time of the executive, and while it is perhaps best to leave the formal power of review in the president's hands, he should undertake such work only in exceptional cases.

The department of national defence, as already noted, is a consolidation of the war and navy departments under one supreme head. This would do away with the need for creating a third military cabinet post for the director of air forces, a policy which has been debated several times in congress, and which has been adopted by England and other foreign nations. The secretary of national defence would coordinate all military policies and administrative methods, formulating a complete program of defence against foreign invaders. He would decide on the relative amounts of expenditures for naval construction and for maintenance of a standing army, in proportion to the needs for a first and second line of defence; and upon outbreak of war, he would be prepared to mobilize all resources in an orderly manner, eliminating any competition or jealous rivalry between the three branches of the military service.

As indicated in the chart, the secretary would be advised by the chiefs of staff of the three great defence organizations on all technical problems involving military procedure and policy. On matters affecting administration and business efficiency, however, he would possess a separate unified organization dealing with the various problems which affect in similar and equal fashion the army, navy and air forces. There would be little further occasion for bad feeling between the various branches in regard to pay or details of service, as uniform rules would be applied to all armed forces. The ordnance, supply and transportation offices of the three branches of national defence would be combined, with large saving in cost and gain in efficiency.

Finally, we have the executive secretary, whose duties would be to supervise the departmental routine in general. The work of the civil service commission would be turned over to him entirely, as would also be the question of executive appointments. The present highly inefficient system of payment, promotion and rules of service would be reformed and systematized.

The secretary would also undertake for the president various studies in efficiency and economy, for which it is now necessary to create special boards or commissions; and he would act as "aide-de-camp" to congressional committees going scandal-hunting among the departments. His department would include a bureau of public information, with an office to receive suggestions and complaints from the public. At the present time the president and the cabinet members receive a large volume of complaints to which they are unable to give proper attention. With a bureau detailed to give special attention to these complaints and to forward them, not merely to the respective department heads, but to the particular offices which can give them the best attention, a great deal of waste time and routine labor can be eliminated.

This study may be deemed incomplete in that it makes no reference to the work of the numerous commissions outside the regular departments, such as the interstate commerce commission and the federal trade commission. Practically all this work should be brought under the general supervision of the president, who is responsible to congress for the execution of laws and the administration of national policies. The work of all of these commissions, therefore, should, so far as possible, be brought within the scope of the various departmental organizations.

OUTLINE OF EXECUTIVE DEPARTMENT

(1) Secretary of Social Policies

Economic Problems (Unfair Distribution of Wealth and Income, Proposed Remedies, Standards of Living, etc.)
Labor Policies (Collective Bargaining, Profit Sharing, Arbitration and Conciliation, Labor Efficiency and Standards, Employment, Legislation, League of Nations)
Food and Commodity Control (Maximum Prices, Distribution, Markets and Supply)
Racial Policies (Immigration, Naturalization, Indian and Negro Affairs)
Health and Sanitation (including Drug and Prohibition Laws)
Social Relief (Charity Organizations and Red Cross Work)
Public Morals (Traffic in Women, Censorship, Divorce, Criminal Statistics, Anarchy)
Education, Arts and Sciences
Liaison (intra and inter-departmental)

(2) Secretary of Commerce and Industry

Post Office (including Wire and Radio Systems)
Railroads and Highways
Shipping and Navigation (including Lighthouse and Life-Saving Services, Weather Bureau and Naval Observatory)
Natural Resources (Public Lands, Parks, Forestry, Fish and Game, Water Power and Mines)
Agriculture
Corporation Control (Federal Trade Commission, Trust Prosecution, Corporation Finance and Accounting)
Foreign Trade (Consular Service, Tariff, Trade Agreements, League of Nations)
Invention and Research (Bureau of Standards, National Research Organizations, Patents)
Census of Commerce and Industry
Liaison

(3) Secretary of Finance

Financial Policies (Taxation, Budget, Relations with Congress)
Administration of Government Expenditures (including Pensions)
Administration of Government Receipts (Customs and Internal Revenues)
Currency and Banking (including Federal Reserve Board)
Public Loans (including Postal Savings Banks, Land Banks, etc.)
Control of Corporate Securities and Stock Exchanges
Reports, Accounts and Audits
Liaison

(4) Secretary of Foreign Relations

League of Nations (Policy and Representation)
Territorial Bureaus (to handle Special Problems)
International Law and Treaties
Diplomatic Corps
Investigation and Secret Service
Colonial Affairs
Liaison

(5) Secretary of National Defence

Chief of Staff for the Army
Chief of Staff for the Navy
Chief of Staff for the Air Forces
(The following organizations to have uniform supervision over all the armed forces, co-operating with the Chiefs of Staffs)
Military Policy (Use of Armed Forces in Riots, on Border, etc.; Plans for National Defence, etc.)
Estimates, Accounts and Statistics
Ordnance, Design and Standards
Supply, Construction and Transportation
Industrial Relations
Personnel (Draft and Recruiting, Commissions, Standards of Pay and Service, Morale)
Discipline (Military Dress and Conduct, Courts-martial, etc.)
Education and Social Activities
Health and Sanitation (including Red Cross)
Liaison

(6) Secretary of Legal Affairs

Proposed Legislation (Form and Constitutionality)
Law Enforcement (National and District Organizations)
Corporation Policy (Anti-Trust Prosecutions, etc.)
Litigation (Court Procedure)

Criminal Punishment (Penal Institutions, Pardons, etc.)
Civil Affairs (Relations between Federal Government, States and Cities)
Liaison

(7) Executive Secretary

Civil Service (Appointments, Regulations, Salaries, Morale)
Executive Appointments (Investigations and Recommendations to President)
Efficiency and Economy (Standards for Department Organization, Office Methods, Accounting, etc.)
Statistics and Research (Special Reports to President)
Public Information (including Library, Public Documents, Bureau of Information and Complaints)
Public Buildings and Grounds
Liaison

CITY-MANAGER MOVEMENT

PROGRESS IN LEGISLATURES AND AT THE POLLS

BY HARRISON GRAY OTIS

SINCE the last issue of THE REVIEW, several changes have taken place in the status of the city-manager movement. The legislatures of Indiana and Wyoming have passed state-wide optional bills granting all cities in these states the privilege of adopting city-manager government by referendum. An optional city-manager law for cities of less than 5,000 has passed one house in Illinois. A similar act for cities of the second and third classes was before the Missouri legislature. The New Jersey bill is now before the legislature with a fair chance for passage. The bill planned by Spartanburg, South Carolina, will not be submitted at this session of the legislature, due to local controversy as to whether the commissioners should be elected at large or by wards.

Nashville, Tennessee, becomes the fifth commission-manager city of more than 100,000 population. The new charter has been approved by the state legislature, and the first election to choose a council of fifteen members will be held April 14. Under the terms of a compromise provision in the bill, the present mayor will serve as manager until the expiration of the term for which he was elected mayor, September 30, 1920, at which time the council will duly appoint his successor. The manager is to have the title of mayor.

In West Virginia the legislature has passed the act authorizing the adoption of the manager plan by Clarksburg upon referendum. In Maine a bill calling for a referendum on amending the Auburn charter is still held up in committee and another bill to permit the town of East Livermore to adopt the manager plan has been passed by the legislature. In California a bill has been introduced by Representative Long, authorizing the electors of any city to provide for the appointment of a city manager by ordinance introduced and adopted under initiative.

Lake City, Florida, on March 8 decided in favor of adopting the manager plan by a vote of 464 to 63, and the new charter will be presented to the legislature in April for approval. Punta Gorda, Florida, has likewise joined the list.

In Kansas, the city of Stockton adopted the manager plan by a substantial majority on February 21, and elected its first commission April 5. Atchison has succeeded in securing legislative approval to putting its new city-manager charter into effect at once instead of waiting until 1923, and the first commission will be elected in April. Salina, Kansas, is seeking similar authorization from the legislature.

In Michigan, Manistee voted down by a substantial majority, on March 1, the efforts to amend its charter and abolish the manager plan. A charter revision commission will be elected on April 4 to revise the charter as to the number, term, and method of electing the members of a city commission. Mt. Pleasant, Michigan, adopted its commission-manager charter by a big majority on March 7, at which time the first commission was elected.

In Nebraska, the attempt at Alliance, to declare the election by which its city-manager charter was adopted, illegal, has failed, and the new plan becomes effective following the regulation city election in April. The report that Chadron had adopted a commission-manager charter has proved erroneous.

Greensboro, North Carolina, on March 1 changed from the commission to the commission-manager plan through charter amendment by a vote of 1,605 to 381; seven councilmen will be elected May 5, to take office on May 10. This makes the thirty-third city to advance from commission to commission-manager government.

The Ontario provincial legislature has approved the commission-manager charter recently adopted by the city of Chatham. Seven aldermen and a mayor will be elected in December, at which time the plan becomes effective.

Fairfield, Iowa, defeated proposed adoption of the manager plan February 22, by a vote of 748 to 702; and Blair, Nebraska, turned down its proposed manager charter on February 4. Garnett and Oakley, two small Kansas towns did likewise. At Alliance, Ohio, on March 29, a proposal to elect a charter commission pledged to the manager plan failed to carry.

Several charter elections are scheduled for the near future. Fort Smith, Arkansas, has been authorized by the state legislature to change from the commission to the commission-manager plan, and will vote soon. Long Beach, California, will vote on its commission-manager charter April 14. A special charter commission is drafting a city-manager charter for Orange, Connecticut. At Stratford, Connecticut, the town meeting unanimously approved adoption of the manager plan March 19, and its new charter is being presented to the legislature for approval, with the expectation of a referendum in June. Miami, Florida, on January 21 elected a charter commission pledged to draft a commission-manager charter. Pensacola, Florida, votes on the manager proposition April 12. Fort Myers, Florida, votes on adoption of a manager charter April 21. Decatur, Georgia, which recently adopted the manager plan by amending its old charter, has appointed a special committee to draft a new commission-manager charter for submission to the legislature in June.

At Charlotte and Traverse City, Michigan, charter revision commissions are drafting city-manager amendments to be voted on shortly. Girard, Ohio, held an election March 29 for the purpose of choosing a charter commission pledged to draft a city-manager charter. Canton, Ohio, has completed its new charter and will present it to the voters in May. At Salem, Ohio, only five per cent of the voters opposed the adoption of the manager plan when petitions for an election were circulated last month. Cleveland advocates of the manager plan are trying to secure a vote on the matter this spring.

Bristol, Tennessee, is preparing a city-manager charter to be introduced into the legislature as a result of the marked contrast between the efficiency of its present commission form, and that of the manager plan, as developed by Bristol, Virginia.

In New Brunswick, Canada, the city of Fredericton is drafting a bill for presentation to the provincial legislature.

DEPARTMENT OF PUBLICATIONS

I. BOOK REVIEWS

The Problem of Administrative Areas. By Harold J. Laski. Smith College Studies in History, Vol. IV. No. 1, 1918. Pp. 64.

In the space of sixty-four pages Mr. Laski examines the prevailing system of administrative centralization and finds it wanting. The centralized democratic state has not fulfilled the expectations of nineteenth century liberals. The English parliamentary system as conceived by Bentham has broken down. It is not adapted to the sort of economic society which we have evolved. Because the sole basis of representation has been territory, the mechanisms of government have not been related to the occupation of the average man. Local government is slovenly; inertia has seized the civil service because political over-centralization has extinguished creative effort. The solution is to adapt the political organization to the present federalism of the economic system. The Whitely report recognized the federal nature of modern industry and distributes power in accordance with it. The political federalism to conform to the economic order will, therefore, be one of function as well as neighborhood. The individual will is too complex; the voter has too many group interests determining his vote, to enable a single centralized administrative structure to represent him adequately. The state must recognize these complex interests and organize itself accordingly. This will mean a different sort of a state, but it will be one which will relate itself truly to the life of the people. It will therefore be a vastly more vital thing than the present state. It will release creative effort rather than stifle it.

The above has become rather familiar doctrine. It is vague and unsatisfying at many points, but it is none the less significant and thought provoking. Its strength lies in the rejection of the "thus sayeth the law" attitude of mind and its realization that the governmental structure must adapt itself to the job in hand. The state has no divine authority. Its authority is wholly derived from the success with which it does what it sets out to do. Mr. Laski demonstrates that the "cure" in politics involves more than a budget system or a non-partisan ballot. It is a new kind of home rule. H. W. D.

Financial System of the State of Oklahoma. By F. F. Blachly. University of Oklahoma. 1921. Pp. 66.

This pamphlet has just been issued by the Bureau of Municipal Research of the University of Oklahoma as Number 3 in its Studies in Government and Administration. This study cannot be better characterized, perhaps, than by quoting from the preface:

> It has been the writer's object to present a picture of the state's finances, complete enough to be of service to public officials, yet simple enough to be understood by the average reader.
>
> It is now generally realized that government is largely a business enterprise, and that modern and efficient business methods are essential to its proper functioning. The growing interest in state budgets is an important and significant indication of this point of view. Since the people of Oklahoma have already adopted the budget system, it is evident that they appreciate the need of putting the state's activities upon a business basis. This study has been prepared because of the conviction that a clear understanding of the state's taxation and revenue system, its funds, assets and liabilities, its budget system and its accounting and reporting system are absolutely essential to this end.

The subject matter has been treated under the following heads: (1) State, Wealth and Expenditure; (2) Taxation and the Revenue System; (3) The Funded Debt; (4) The Appropriation and Budget System; (5) State Funds; (6) The Accounting and Reporting System.

The legislators and citizens of Oklahoma especially are indebted to Dr. Blachly for a presentation of their financial system which is understandable and still not so detailed as to be burdensome. The rest of us are indebted, also, both for the information about Oklahoma and also for an example of what can be done to enlighten legislators and the citizens of other states.

Roy G. Blakey.

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Housing and the Public Health. By John Robertson. New York, Funk and Wagnalls Company. [1920.] Pp. 159, with 12 diagrams.

This volume in the English Public Health Series, written for English readers, well deserves an American edition, because of its simple and convincing style and broad outlook on the problem. The author does not hesitate to assert that his experience as medical officer of health for Birmingham proves that "no single condition in the lives of the masses has such a damaging effect on health, or does harm in so many other ways, as bad housing," and also that "these people (except perhaps a negligible minority) will respond to improved conditions." He lays especial emphasis on a reasonably good environment as an essential to good housing. It is not enough to have a sanitary house; the general sanitation, convenience, and amenity of the neighborhood are equally important. "Women and children, at any rate, should be able to escape at frequent intervals from the awful monotony of soot-begrimed bricks and mortar, and it should be possible for them, therefore, to get without difficulty into playing spaces or parks which are green and pretty. Much of the stunted and degenerate mental outlook of the slum-dweller is due to the absence of pleasant surroundings to his dwelling."

Dr. Robertson does not consider that the tenement house meets the requirements for satisfactory family life. His book is based on what he himself calls a rather high minimum standard of cottage housing, but this is scarcely as high as our federal government standards evolved during the war. He welcomes compulsory planning provisions for all housing schemes on undeveloped land, and sees in the 1919 housing and town planning act (at the time of his writing still a bill before parliament) the way to a general plane of excellence in housing never before reached in England. A power under the 1909 act, which he thoroughly commends, is that which we call *zoning* in America; and he points out that there is no similar power to limit the uses of land in built-up districts of towns, where the gradual exclusion of industries from residential areas would be conducive to far better conditions of amenity and sanitation.

A point which Dr. Robertson makes is particularly *à propos* of various discussions current in our periodical press at the present time;—like Mrs. Barnett, he advocates "mixing the classes," and urges that in any housing scheme areas of houses for the lower rentals should be adjacent to groups of houses for those who are better off.

The book contains examples and statistics to prove the health-value of housing, and the experience of the war is adduced to reinforce municipal figures. American readers can equally take to heart the lessons which Dr. Robertson draws from such facts.

THEODORA KIMBALL.

◆

CONTEMPORARY FRENCH POLITICS. By Raymond Leslie Buell. New York: D. Appleton and Company, 1920. Pp. 524.

Mr. Buell, the author of this book, went to France as a member of the American Expeditionary Force. At the close of the war he made a careful study of contemporary French politics. He succeeded in gathering a wealth of material on French parties, their programs, and their methods of action, which have always been baffling to the American student.

Three main subjects are treated: political parties, recent movements for political reform, and the French attitude toward the peace treaty and the League of Nations.

Probably the most valuable part of the book is that which deals with the French party system. The first chapter sets forth the principles for which the parties stand; the second shows how the multiple party system causes ministerial instability and the dominance of parliament; the third traces the history of party groupings before the war and the sacred union formed in the fall of 1914; and the fourth explains the realignment of parties that followed the signing of the armistice, the outstanding feature of which was the formation of the National Republican bloc, an alliance of "bourgeois" parties, for the purpose of defeating the Socialists now under the control of extremists favoring a revolution of the Russian type.

It is interesting to know that there are groups in France that strongly advocate the introduction of the American system of the separation of powers, an independent and powerful president and a supreme court with power to declare laws unconstitutional. There is an interesting chapter on the movement for professional representation or government by interests, and another on what is termed regionalism. The highly centralized government of France administered by a large body of state officials has, in the author's opinion, not only proved intolerably inefficient, but has also deprived French citizens of the training in civic responsibilities which local self-government affords.

ELMER D. GRAPER.

Columbia University.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

City Plan Legislation in Indiana.—The city-planning and the zoning bills went sailing through the legislature with no opposition of any kind. They were introduced very late in the session, but had a lively public sentiment back of them from all of the cities in the state. Both bills are purely optional, leaving it to the council of the various cities to create a city-planning commission or to pass a zoning ordinance. The commissions shall consist of nine members, serving without pay, made up of five citizens appointed by the mayor, and a member of the common council, a member of the park board, the president of the board of public works and the city engineer. In the smaller cities the commission may consist of seven. Its powers are purely recommendatory except in the case of the approval of plats of real estate. It is authorized to make surveys, studies and plans with reference to the layout of streets, alleys, parks, boulevards, bridges, public buildings, transit lines, etc., for the purpose of creating co-ordinate plans for the orderly development of the city. The law provides a tax levy of not less than three nor more than eight mills on each 100 dollars of taxable property for city-planning purposes.

The passage of the zoning ordinance is optional with each city. This law delegates to common councils of all cities the power to pass ordinances regulating by districts within the city the height and size of buildings, the area of yards and open spaces about buildings, the use of buildings and other premises for the purpose of promoting the public health, safety, convenience and general welfare.

For some time there has been an interest in Indiana in city planning. Several cities have been proceeding without definite authority from the legislature. Gary has been operating through an unofficial commission and Marion has recently had studies prepared.

Robert E. Tracy.

⁂

Zoning Constitutional in New Jersey.—The constitutionality of the Cliffside Park zoning ordinance, framed by Herbert S. Swan, was recently attacked in the supreme court of New Jersey through a *certiorari* proceeding. The prosecutor alleged the ordinance to be illegal on the following grounds:

1. That the objects of the ordinance were not those which could be attained through the exercise of the police power;
2. That if the objects of the ordinance came within the purview of the legislative power, they could be accomplished only through the exercise of the power of eminent domain;
3. That if the ordinance was based upon the power of eminent domain, it was defective in that it did not provide compensation to the property taken;
4. That the ordinance attempted to take private property for private use; and
5. That the ordinance took private property without due process of law.

The case was argued by the borough attorney, Arthur M. Agnew. Herbert S. Swan was retained to prepare the brief on the constitutionality of the ordinance.

The opinion handed down by the court through Mr. Justice Parker upheld the legality of both the ordinance and the legislative act under which the ordinance was enacted and the writ of *certiorari* was dismissed as being premature, since the prosecutor did not appear to have been prevented from erecting any building intended for a prohibited use or from carrying on any prohibited business.

The opinion is important in that it is the very first on zoning to be handed down by a Jersey court.

⁂

New York's Radical Traction Measure Passes. The New York transit commission bill has become a law. It is a drastic measure. Invoking the sovereign police and regulatory powers of the state, it concentrates in three state commissioners all the powers over local transportation in New York city which it would be in the power of the legislature to confer.

Traction matters in New York city are complex and have drifted for a number years. The need for thorough investigation and for the development of a plan has been apparent. This bill seeks to cut the Gordian knot. Without securing any local consent, other than that of the companies, the commission will have power to re-write the subway contracts, although the city holds title and has invested about $300,000,000. It can put its own valuation on the surface lines and force the city to take title to them. In doing so it can contract for operation on the cost-plus basis, and bind the community for a generation. It can grant temporary fare increases pending the working out of its permanent plan.

New York business men expect the commission to perform miracles. The city administration is hostile and will litigate. Some organizations, such as the City Club, oppose the complete abrogation of home rule and fear that the outcome may be more effective in meeting the fiscal requirements of the companies than in providing for present and future needs of the community.

Raymond V. Ingersoll.

✣

Tennessee Passes City Plan Laws.—In March, 1920, Memphis, Tennessee, passed an ordinance creating a city plan commission. This commission was subsequently appointed, and submitted to the legislature in January, 1921, four bills which have since been passed and signed by the governor. They are as follows:

(1) An act to provide for the establishment, government and maintenance of a city plan commission, giving to that commission the usual powers and duties of study and recommendations, but vesting such commission with jurisdiction over land subdivision.

(2) An act authorizing the establishment of building lines on streets.

(3) An act providing for the approval by municipal authorities before filing of plans, plots and replots of all lands within the city limits.

(4) An act providing for the establishment of districts or zones regulating the use or uses of land, the height, area, size and location of buildings, and providing for a board of appeals.

Each of these acts applies to cities having a population in excess of 160,000 inhabitants by the federal census of 1920.

Harland Bartholomew.

✣

Nashville's New Charter.—Nashville, after experiencing the trials and vicissitudes of commission government, has secured a new charter from the legislature which is a cross between the city-manager form and the strong mayor and council plan. A council of fifteen elected by wards, and a mayor elected by the council for an indefinite term with power to appoint subordinate administrative heads and boards, subject to confirmation by the council, are the outstanding features. The administrative organization under the mayor (who is to resemble a city manager) is a hit and miss affair and cannot be said to be departmentalized along modern lines. The present mayor was named mayor until the term for which he was elected expires. A board of public works was created to take care of the present commission until their terms expire. The duties of this board are uncertain and little more than advisory to the mayor.

The charter has numerous checks and balances from which the pure city-manager plan is happily free. It will work better than the old commission government, however.

✣

New Optional City-Manager Laws.—Indiana and Wyoming have adopted optional city charter laws permitting the manager form of government on vote of the municipality. Both measures provide the standard manager type. The Indiana law provides a choice between the commission and the manager plans. Already more than fifteen cities have begun efforts to take advantage of the new privilege.

A permissive city-manager law for third-class cities passed in Missouri at the session just closed. It is yet too early to know the fate of similar permissive laws in Pennsylvania, Illinois, and New Jersey, although the chances of success are not bright.

South Dakota modified her city-manager law by defining more clearly the duties of the city manager and his relation to the commission and mayor. The original permissive statute grafted the manager on existing forms and was therefore rather unworkable. As finally passed, however, the law misses the point of the plan entirely by providing that all officers and employes shall be appointed by the governing board of the city.

✣

Cleveland Regulates Electric Signs.—Cleveland has amended her billboard ordinance to include detailed regulations of electric signs and signs on marquees and porticos. By this recent amendment electric signs attached to the face of a building are limited to 150 square feet in area and electric signs substantially parallel to the face of a building and projecting over public property are limited to 100 square feet in area and may not project more than two feet over public property. Electric signs attached at angles may not project more than six feet, measured along the sign and not more than one-half the width of the adjacent sidewalk. Electric signs must be lighted by a sufficient number of lamps to give ten candle power of light for every square foot of sign area and all such signs must be kept lighted until eleven o'clock every night. Electric signs on marquees or porticos must be built as an integral part of the marquee or portico and plans and specifications must be approved by the commissioner of buildings and the director of public service.

H. J.

⁂

Kalamazoo Votes to Revise Charter.—Following the resignation of Mr. H. H. Freeman, city manager of Kalamazoo, the people voted at an election on April 4th, on two propositions:

(1) Shall there be a general charter revision?

(2) Shall the charter be revised to provide for a form of government similar to that in effect prior to April 1918 (the mayor-alderman plan)?

At the same election a charter revision commission of nine members was elected.

Future developments in Kalamazoo will be watched with interest since no city which has adopted the city manager plan by charter has yet reverted to its old form. The proposal to adopt the mayor-aldermanic form was carried by about 600 votes or approximately 1400 less majority than the general revision proposition received.

⁂

New York Rent Laws Sustained.[1]—These laws, it will be remembered, prohibited increases in rent except when such increases were adjudged reasonable by the courts and prevented the eviction of a tenant at the expiration of his lease unless proved objectionable, or unless the owner wished the rooms for his own family, or was about to destroy the building to make room for new construction. In the case of *People* vs. *LaFetra*, the laws were recently sustained by the New York Court of Appeals, the final court of the state, as a legitimate use of the police power. The opinion held that an emergency existed in which "private contracts must yield to public welfare." Appeal has been taken to the Supreme Court of the United States.

⁂

County Government.—In the Louisiana constitutional convention there are signs of an unusual amount of disposition to alter the county (parish) governments. Eight measures have been introduced proposing the commission form of government. Delegate Henry C. Hardtner is pressing for the commission-manager principle.

In Michigan the important county home rule amendment passed the Senate March 10, but with a modification that postpones submission to the people until 1922.

In Wisconsin the Summerville bill permitting counties outside of Milwaukee to adopt the commission form of government passed the Assembly March 17 by a vote of 50 to 36.

In Washington a measure giving counties choice of commission or county-manager plan has passed the Senate unanimously.

⁂

Salary Adjustments and the Cost of Living.—According to the February *Monthly Labor Review*, St. Paul, Minnesota, has adopted a plan in several of its departments for adjusting salaries on January 1 each year in accordance with changes in the index figures published currently by the Bureau of Labor Statistics.

This policy is in line not alone with what a few progressive employers have done since the war, but also with what is accepted practice in many branches of public service in England. The February issue of the *Local Government Service*, the official organ of the National Association of Local Government Officers, describes the bonus scheme adopted for the permanent civil servants. It provides for a revision of the bonus every six months in accordance with the official cost of living index figures.

W. E. Mosher.

⁂

South Dakota Home Building Loan Authorized.—The South Dakota legislature has created a home building department to lend money for use in building homes. Bonds to the extent of $500,000 may be issued during any biennial period, the proceeds to be loaned to builders to the sum of 80 per cent of the cost of building the home. The amount to be loaned to one person, however, shall not exceed $4,000 and shall be payable in twelve years at a rate not to exceed 1½ per cent above the rate paid by the state on the bonds.

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[1] For full description of the laws see National Municipal Review, Vol. IX, p. 762 (December, 1920).

⁂

More Constitutional Conventions Brewing.—The Colorado legislature has referred to the people a proposal to call a constitutional convention. It will be voted on at the next general election, November, 1922.

As we go to press, the Pennsylvania Senate has passed a similar resolution. It is an administration measure and, if passed by the House, will be voted on next autumn.

II. JUDICIAL DECISIONS

Liability of City for Injury to Employees.[1]—The city of Yonkers placed one of its automobiles in the control of the city engineer. The city assessor, wishing to go to a distant part of the city for the purpose of transacting certain official business, asked the engineer to take him there. Due to a defect in its steering apparatus, the car was overturned and the assessor was killed. Action was brought by the widow for damage on the theory that the city should have inspected the car. To this the court held that the deceased was in the position of a licensee and as such the city did not owe any duty to inspect the steering apparatus. Further, the court indicated that even though such a duty did exist, it would not have been liable in this case because it was acting in a governmental capacity.

⁂

Letting Contracts to Lowest Bidder.[2]—When the charter of a city required that improvement contracts should be let to the lowest bidder, and the city invited bids requiring each bidder to furnish his own specifications for any hard surface pavement, it was held that the proceeding was void, as there was no direct competition on the basis of fixed specifications, and the contract with the lowest bidder was void. The court said: "It is well settled . . . that a previously fixed standard, to which various proposals may be referred for comparison, is an essential ingredient, where the contract is to be let to the lowest bidder."

⁂

Special Assessment on Improvements.[3]—Landowners on an island were assessed for a roadway built on the mainland, where their property was isolated from and inaccessible to the street, which could only be reached by a bridge, estimated to cost a very large sum, over a navigable waterway, subject to control by the federal government and the building of which was not contemplated in the near future. Held, that the assessment was invalid because the benefits were too remote.

⁂

Submission of Amendments to Electors.[4]—Pursuant to the Michigan constitution relating to initiatory petitions for submission to the electors of a proposed constitutional amendment, a petition in proper form was filed in the office of the secretary of state. The secretary of state refused to submit the amendment to the electors on the ground that the amendment, if passed, would violate the federal constitution. The plaintiff appealed for a writ of mandamus to compel such submission. Held, three judges dissenting, the writ should be granted.

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Right to Remove News Stands from Streets.[5]—The city of Buffalo authorized the erection by a private company of twenty-five news stands, 2 by 5 feet, with a top covering, in the streets of the city. It was contended that such stands were serving a public convenience, and were not substantially interfering with traffic. The supreme court issued a writ of mandamus to the city council ordering their removal. The court said: "It is conceded that a municipality has no right or authority to grant a license for the use of the public streets in an unlawful and illegal way, and that, if the news stands in question are unlawful and constitute an obstruction, it makes no difference whether or not they were authorized by the city of Buffalo, or how long the city has permitted them to be so used, for a city holds the streets for the public use of all the people."

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License for Use of Streets.[6]—Though a municipality has no inherent power to license any occupation, or require the payment of a tax for engaging in it, it has power to impose such conditions for grant of the use of its streets, as it may deem for the best interests of the public, and for such purpose may require contribution from a public service company, as a motor bus company for grant of authority to use certain streets.

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[1] *Carroll* v. *City of Yonkers.* 184 N. Y. S. 847.

[2] *Montague, O'Reilly* v. *Milwaukee.* 193 Pac. 824.

[3] *City of Seattle* v. *Peabody.* 192 Pac. 961.

[4] *Hamilton* v. *Vaughan.* 179 N. W. 553.

[5] *People* v. *Buck.* 184 N. Y. S. 210.

[6] *People* v. *Chicago Motor Bus Co.* 129 N. E. 114.

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Auditing Proper Village Expense.[1]—Where the financial affairs of a village were in a chaotic condition, with records missing, taxes unpaid, or improperly and inaccurately entered, and no satisfactory system for keeping the accounts is in use, a contract to audit and to establish a system of accounting with a firm of public accountants was held to be a proper "village purpose" and not unlawful.

ROBERT M. GOODRICH.

Detroit Bureau of Governmental Research, Inc.

III. GOVERNMENTAL RESEARCH CONFERENCE

The officers of the Conference acting under authority delegated to them at the Indianapolis meeting, have tentatively accepted the invitation of the Philadelphia Bureau of Municipal Research to hold the June conference in that city. The dates selected are June 2, 3 and 4. An expression of opinion from members of the Conference as to this time and place is invited.

In accordance with the plans of the Conference, the chairman, in the past few months, has visited the bureaus at New York, Philadelphia and Detroit. The secretary has visited the Minneapolis bureau.

The Rochester bureau has recently published a report on the administration of the bureau of buildings in that city. This report is believed to be an excellent contribution to the sparse literature on the subject of building regulation.

The Philadelphia bureau has been considering membership in the Philadelphia Community Fund. Three bureaus—Toronto, Cleveland and Detroit are receiving their financial support through the city-wide fund organizations in their communities.

Mr. J. W. Routh, director of the Rochester bureau and chairman of the Conference, announces his resignation from the bureau, effective May 1. It is understood that a Rochester man will be Mr. Routh's successor. Mr. Routh's plan will be announced later in the year.

A special committee of the St. Paul Association has been appointed a board of trustees to finance and conduct a bureau of governmental research. Mr. C. B. Herbert of Detroit is in charge.

The trustees of the Philadelphia bureau published a series of advertisements in the Philadelphia newspapers in October and November, 1920, to acquaint Philadelphians more fully with its nature, accomplishments and program. A number of reprints have been placed in the central office of the Conference and should be of material aid in promoting the establishment of new bureaus of governmental research.

A bureau of municipal research has been definitely organized and adequately financed in Des Moines, Iowa. Mr. Clarence M. Young is the executive secretary. The offices are located at 1125 Fleming Building.

The Illinois Municipal League, at its annual meeting in February, adopted the recommendations of a special committee on uniform accounting classification. The report of the committee presented at this time dealt with a uniform classification for receipts and expenditures. Steps are now being taken to put the classification into use in all Illinois cities.

Mr. C. Roy Hatten has resigned as secretary of the Grand Rapids Citizens' League and is now connected with the Commercial Finance Corporation. Lieut. Russell F. Griffen, who has been with the League for two years, has been elected secretary.

Provision has been made in the present session of the Michigan legislature for the reorganization of the state administration. The legislative provisions follow in general the recommendations of the report of Dr. William H. Allen and Mr. Gaylord Cummin of the New York Institute for Public Service, prepared for the Committee to Promote Reorganization of Michigan State Government and financed by the Michigan Community Council. Up to the present time it has not been possible to abolish constitutional offices. For that reason an administrative board, composed of all elective officers has been created to have supervision over all the departments of the state government, a veto power resting in the governor. This is admittedly a makeshift. On the administrative side it is proposed to abolish nearly one hundred ex-officio commissions, as well as other boards and departments, and to substitute for them eight or ten state departments, to some of which honorary boards will be attached. Administrative power will rest with a single paid full-time officer in each case.

The city government of Boston has granted the finance commission an appropriation of $9,000, to make a study of municipal and county pensions. The work has been started and the commission plans to issue its report sometime at the latter end of the present year. The commission is also studying the substitution of oil-burning apparatus for coal-heating apparatus in the larger buildings of the city.

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[1] *Gaynor* v. *Village of Port Chester.* 129 N. E. 657.

The city of Boston, on January 1, 1921, discontinued its separate support and maintenance of delinquent and wayward boys. The care of these juvenile male charges has been transferred to the state and the city relieved of the independent expense of their maintenance. Hereafter Boston will pay 30.1 per cent of the cost of maintaining wayward and delinquent boys sent to reform schools from Boston. This percentage is the proportionate part which it pays for all state charges. In 1914 Boston abolished the parental school for incorrigible truants, so that with the abolition of the Suffolk school all juvenile delinquents have now been transferred to the central control of the state authorities.

Robert T. Crane.

IV. MISCELLANEOUS

Cleveland Survey of Criminal Justice.—In December, 1920, the Cleveland Foundation Committee received invitations from the Cleveland Bar Association, the Chamber of Commerce, the Welfare Federation, the League of Women Voters, the Federation of Women's Clubs, the Community Betterment Council and a number of other organizations asking that a survey of the administration of criminal justice be made by the Foundation. After consideration by the Foundation Committee a survey of the kind indicated was authorized and Roscoe Pound, dean of the Law School of Harvard University, and Felix Frankfurter, professor of law in the same institution, were engaged to conduct the survey. Under the plan which they made for the survey five main divisions will be undertaken,—Police, Prosecution, Court Administration, Penal Treatment, and Medical Relations. The following men were selected to conduct the study under each of these divisions:

Police—Raymond Fosdick, author of "The American Police Systems," and as his assistant, Leonard V. Harrison.

Prosecution—Alfred Bettman, formerly city solicitor of Cincinnati and more lately special assistant to the attorney-general of the United States in charge of the enforcement of the espionage act. Mr. Bettman is assisted by Mr. Howard Burns of Cleveland.

Court Administration—Reginald Heber Smith of the Boston bar, special author of "Carnegie Corporation Report on Justice and the Poor." Mr. Herbert Ehrmann was selected as his assistant.

Penal Treatment—Mr. Burdette G. Lewis, state commissioner of New Jersey, for correction institutions and agencies.

Medical Relations—Dr. Herman Adler, state criminologist for Illinois.

The survey was started in January, and it is intended to complete the work by July 1.

It is intended that this survey shall indicate generally and specifically the shortcomings of the administration of justice as applied to the treatment of the offender in Cleveland. It will also recommend the changes both in law and in administration.

This survey is the first comprehensive attempt to study the whole problem of treatment of the offender in a great modern city. It should prove of not only local interest and value but should, under such competent direction, set up a standard which will be of inestimable value to the rest of the country.

Raymond Moley.[1]

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Organize to Co-ordinate Teaching of Social Studies.—At the recent meeting of the department of superintendence of the National Education Association at Atlantic City those who are interested in the teaching of history, economics, government and sociology, organized a national council for the social studies, the object of which is to bring about co-operation among the committees on teaching of the various associations represented. One of the chief obstacles to effective work in the social studies in the schools is the conflicting and confusing counsels which are offered to the school administrators by the protagonists of the several fields of university scholarship. It is hoped that those who represent the social studies will welcome this movement toward federation. The officers elected for the first year are A. E. McKinley, professor of history in the University of Pennsylvania and editor of the *Historical Outlook*, president; R. M. Tryon, professor of history in the University of Chicago, vice-president; Edgar Dawson, professor of political science in Hunter College, secretary-treasurer; and Earl U. Rugg, of Teachers College, Columbia University, assistant secretary. An advisory council and an executive committee will be appointed representative of the various strata of school administration and of the organizations which look after the development of scholarship in history, economics, political science, and sociology.

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[1] Director, Cleveland Foundation.

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The Civic Tour to Europe, to be conducted by Intercollegiate Tours under the active direction of Dr. John Nolen, will sail about June 7. Dr. Lent D. Upson, director of the Detroit Bureau of Governmental Research, and well known to readers of the REVIEW, will accompany the tour as a representative of the National Municipal League. Mr. Albert A. Bailey, educational manager of Intercollegiate Tours is taking steps to secure the full co-operation of our consular agents, as well as the co-operation of European civic associations, in order to smooth the way for the visit.

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Detroit Bureau Issues Legislative Bulletin.—The Detroit Bureau of Governmental Research is issuing a weekly legislative bulletin reporting the activities of the state legislature. Measures of state-wide importance are reported as well as those relating particularly to Detroit or Wayne County.

The bulletin is a disinterested report free from any lobbying on proposed legislation.

International Union of Cities Organized.—The International Union of cities has been organized, with headquarters at Brussels, to aid in the development of towns and cities throughout the civilized countries. It is the purpose to establish a general central office as a clearing house for information regarding all sorts of municipal endeavor. A very careful system of documentation and indexing has been worked out so that data on any subject can be furnished promptly. Mr. Stephen Child has been delegated to look after the interests of the Union in America.

⁂

An Ambitious Southern Town.—Warrenton, North Carolina, although a little town with less than a thousand people, has a railroad three miles long connecting it with the seaboard air line, a water works, electric light plant, ice plant and opera house, all owned and operated by the municipality. The municipality is also building a modern hotel to cost $140,000, to be met by a bond issue, and plans to establish a municipal laundry.

⁂

State Bulletin is the name of the magazine published by the newly organized New York State Association, of which Adelbert Moot of Buffalo is president and Robert Moses of New York is secretary. The *Bulletin* is published bi-weekly during the legislative session and monthly the remainder of the year. It is a mine of information on New York matters.

⁂

Annual City Planning Conference.—The National Conference on City Planning is to meet this year in Pittsburgh, May 9, 10 and 11. All the leading figures in the city-planning circles will be assembled on that occasion.

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This is a service to local committees or organizations interested in the adoption of the city manager plan of municipal government.

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NATIONAL MUNICIPAL LEAGUE

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VIEWS AND REVIEWS

A bill abolishing commission government in Buffalo passed the New York legislature, but was vetoed by Mayor Buck. It failed to pass over his veto.

⁂

A committee of one hundred has been organized in Cleveland to secure city manager government. The question will probably come to a vote this year.

⁂

More than 3,000,000 persons enjoyed the playgrounds and parks of New Orleans during 1920 at a cost of $175,000, according to Louis di Beneditto, manager of public playgrounds.

⁂

Minnesota has changed its direct primary law to provide for pre-primary party conventions to indorse candidates for the party nomination.

⁂

Non-partisan elections for second class cities (Pittsburgh and Scranton) have been abolished by the Pennsylvania legislature. Two years ago they were abolished in third-class cities, numbering about thirty. The machine found them troublesome.

⁂

The Michigan county home rule amendment failed to be reported out of committee in the house, although at one time six of the ten members of the committee signed a request to have it considered by the house. The amendment, when approved by the people, would have enabled counties to draft and adopt their own charters under legislative enactment.

⁂

Missouri will vote in August on the question of calling a constitutional convention.

⁂

The constitutionality of the emergency clause attached to the new administrative code of Ohio is to be tested in the courts.

⁂

Prospects are that the present Connecticut legislature will authorize a commission to study the city-manager plan and the advisability of a state-wide optional manager law for all cities.

⁂

The Michigan house has passed the so-called parochial school bill, and its passage by the senate is expected. It provides that all new teachers in parochial schools must have certificates from the state superintendent of public instruction such as would permit them to teach in public schools of equal grade.

⁂

The American consul at Algiers reports a serious housing shortage throughout Algeria. The landlord is surely a world problem these days.

A bill compelling citizens to vote has been introduced into the Massachusetts general court. The penalty for failure without a reasonable excuse is to be five dollars.

*

Taxes on gross income of public service corporations in California, an important source of state revenue, have been raised about 35 per cent by the present legislature. Such corporations are now required to pay in taxes about seven and one-half cents out of every dollar received. The state budget which made necessary the increase was bitterly fought by the utilities.

*

Vigorous public sentiment threatening political reprisals prevented the passage of a direct primary repealer in the closing hours of the Nebraska legislature.

*

For the third time St. Louis recently elected Mayor Kiel for a four-year term, over a fusion candidate who had the support of all the leading newspapers and many civic organizations. The mayor, however, had the backing of a perfect political machine which could afford to spend the money.

*

Governor Miller of New York favors the elimination of county government within New York City, which he says is unnecessary and expensive, and is subject to exploitation by partisan politics. In fifteen years the cost of county government has gone up 90 per cent, and its abolition would save $1,000,000 in salaries alone.

*

Testimony before a legislative committee investigating certain New Jersey municipalities disclosed how the Hoboken payroll expanded just before election and contracted immediately after. Three hundred and fifty-seven extra employes were hired by the playground department, one of whom admitted that their real work was to "boost the commissioners." Six was the normal number employed on the playgrounds. Similar discoveries were made in county government, but they seem to have been too much for the committee's stomach, and the investigation will probably be dropped.

*

Multnomah county's eighty-odd taxing authorities have been subjected to the oversight of a central body known as the tax-supervising and conservation commission. The commission has power even to reduce estimates submitted. Multnomah county includes Portland, and is the largest county in Oregon.

*

Detroit is now thoroughly committed to municipal ownership of her street railways. At an election in April she voted to buy about twenty-five miles of additional trackage, and rejected a service-at-cost proposal made by the Detroit United Railway. Since April, 1920, eighteen miles of municipal street railway tracks have been laid, and the plan is to lay one hundred miles more as fast as it can be put down. The trackage taken over at the April election was being operated by the D. U. R. on a day-to-day lease, so that although competition still exists between the two lines, the hand of the city has been strengthened.

*

An extreme case of negation of the home rule principle is exemplified in New Hampshire, where the legislature has passed several special acts depriving Manchester of power to run its own affairs. The political party in power in that city is not the majority party in the state, and the latter sees fit to view the former as a menace. Police, streets, highways and sewers are now under commissions appointed by the governor. In addition, there has been created a finance commission, its members also appointed by the governor, to supervise administrative methods and expenditures. It has power to veto in whole or in part any appropriation voted by the city government. Permission of the commission is required before any notes or bonds can be issued.

⁂

Party Conventions Restored in New York

The New York legislature has abolished the direct primary for the nomination of United States senators, supreme court judges and all officers elected on a state-wide ticket. Candidates for these offices shall be chosen by party conventions. The state convention and judicial district conventions are composed of delegates who have been nominated by petition and elected at the fall primary held two months before the general election. Contests for seats in the convention are to be decided by the courts. The direct primary was retained for local offices.

This repealer carries out the platform pledges of the majority party. The bill was not introduced, however, until just before adjournment and without opportunity for a strong opposition to be heard. The plan to have the party convention designate a candidate subject to possible decision of the direct primary was rejected. The politicians have destroyed something which never worked very satisfactorily in New York from any standpoint, but it is very doubtful if they have bettered the situation by returning to the old, discredited convention.

Oregon to Protect the Referendum

In Oregon the legislature may, by an ordinary majority vote, defeat the operation of the referendum in case of any act by the declaration of an emergency. For many years there has been complaint, in part justified, because of the abuse of the emergency clause. The governor's veto of bills to which the clause has been improperly attached has operated as a substantial check upon the abuse. But, on the other hand, it is pointed out, "there is opportunity for the governor to make the emergency clause the ostensible reason for the veto, which is really based on other grounds." In order to make the governor's power in this connection more effective, and at the same time remove the opportunity for its abuse, the legislature at the last session proposed a constitutional amendment that authorizes the governor to veto "any provision in new bills declaring an emergency, without affecting any other provisions of such bill." This is similar to the article of the German constitution that provides that "a law enacted by the national assembly shall be referred to the people before its promulgation, if the national president so orders."

J. D. B.

⁂

The Purpose of a Constitution

The Louisiana convention has been sitting about two months, and according to reports all hope for a concise new constitution has faded. Hundreds of propositions have been introduced on scores of subjects. It seems as if most of the convention members regarded the constitution as a mold into which to squeeze the social order, rather than as a form of government to enable the people to work out a social order.

The model constitution being drafted by our committee on state government follows the doctrine that the business of a constitution is to set up a sensitive government capable to execute effectually the people's wishes. It will, therefore, be simple and brief. It will not undertake to settle social problems for all time, much less try to fix upon us forever the present economic or social ideas. A member of the Louisiana convention, in introducing a proposition to prohibit cities from engaging in any business enterprise in competition with private individuals said, "It is intended to head off some of the socialistic ideas that are bobbing up in this state." This is a distrustful attitude towards democracy and is a mistaken conception of the function of a constitution. A constitution isn't a straight jacket.

*

Charles McCarthy

Charles McCarthy of Wisconsin died on March 26. He had been overworking, as usual; his war work had been a severe tax on his vitality, and he had finally been persuaded to seek rest in Arizona. He died suddenly following an unexpected operation. The news was slow in reaching his friends in the east. Few, if any, of the newspapers noted it.

In the wide range of his interests and activities two definite accomplishments stand out, for which America will always be under obligation to him. One is the legislative reference bureau, which has made possible an approach to scientific law-making and without which the states would be impotent in the face of the appalling economic and social difficulties of to-day. The other was the university extension idea, which has forever exploded the doctrine that education is the monopoly of those who are able to give up four years and live on a college campus. McCarthy was a fighter in many campaigns of public service, but at heart he seemed always an educator. The "Wisconsin Idea" was accomplished through education.

That the two institutions so intimately associated with his memory should have been so widely copied in the United States is his deepest tribute. All did not agree with his political science, but that is not important. All do agree that he was a prophet of the people with courage to follow wherever his intellect led him. He will be sadly missed in Wisconsin, and in America.

*

The Landlords Lose

Relying on the broad principles of public policy, the United States supreme court has sustained the rent laws of New York and the District of Columbia. The New York court of appeals had sustained the state act while the District court of appeals had declared the Washington law unconstitutional. The broad effect of both laws was to take rents and leases out of the realm of private contract into the sphere of government regulation under the police power. Justice Holmes held for the majority that circumstances had clothed the renting of houses with a public interest which at other times would be a matter of purely private concern. He pointed out that the police power had been invoked in several cities to limit the heights of buildings and to that extent had interfered with property and rights. He concluded that the restrictions imposed upon landlords does not constitute a deprivation of property without due process of law; neither does the abrogation of leases to surrender possession and of new leases which were to have gone into effect constitute an impairment of contracts under the constitution.

The minority opinion, as do many conservative lawyers, views with alarm this "socialistic" tendency. Nevertheless, the decision will have a far-reaching effect, as future years will demonstrate. It establishes again that the power of government is broad enough to meet public emergencies. Property rights, over which the courts have in the past thrown the protection of the constitution by interpretations never intended by the framers, must yield to the public good.

⁂

A State Plan for Illinois

Illinois is beginning to look ahead. If the Kessinger bill which has already passed the Illinois senate becomes a law, there will be created a state plan commission to formulate a comprehensive plan of state improvement. The plan may touch matters of state and local government or any public undertaking.

Such a plan, says Mr. George Woodruff, president of the Illinois chamber of commerce, should cover the preparation of charts showing the probable future increase and distribution of population, the probable number of people who will be living in Illinois fifty years from now, the probable number of men and women who will be required to work Illinois farms, the probable size of the average farm holding, the probable number of acres of the built-up area in Illinois cities, and the development generally of interesting statistics to guide the development of the state.

Mr. Woodruff believes that a state plan would extend the system of roads and possibly provide for great scenic boulevards lined with trees and shrubs, as well as proper extensions of steam and electric railways, and comprehensive development of waterways. He indicates that the report of the state plan commission should include questions of soil production and better agricultural life, better systems of rural schools, social centers, rural libraries, gymnasiums, community buildings, the broad development of landscape gardening in the country. Laying particular stress on the wise policy of the federal government in creating a system of national parks and monuments he advocates state parks and monuments.

The application of recommendations of such a report would involve a program which would run into the next generation.

⁂

Federal Reorganization

During the 66th congress, when investigations were in fashion, there were introduced numerous resolutions to investigate and report on the federal executive departments. A joint committee of six, "to make a survey of the administrative services of the government," created in December of 1920 by a resolution which had passed the senate in the preceding May, held its first meeting after the convening of the 67th congress, April 11, 1921.

The executive mind appears to have moved at greater speed since March 4 than the more ponderous legislative organ. During the first seven weeks of the new administration, President Harding let it be known that he desires the army, naval and air forces to be joined into a single cabinet department of national defense and that he advocates the prompt creation of a new department of public welfare.

The president has appointed the Dawes committee of eleven which reported on April 7, recommending the establishment of a veterans' service administration, directly responsible to the president, comprising the bureau of war risk insurance, the rehabilitation division of the federal board for vocational education, and such part of the public health service as is necessary. The secretary of the treasury has already directed the transfer from the public health service to the bureau of war risk insurance of all work and personnel of the health service connected with the medical treatment for disabled veterans, with the exception of the hospitals and dispensaries.

The president has designated his physician, Brigadier-General Sawyer, to conduct an informal survey and propose a plan for the new department. This plan, as set forth by General Sawyer in the hearings before the senate commitee on education and labor on the Kenyon bill (S. 408), to establish a department of social welfare, contemplates a department of public welfare which shall be comprised of four main divisions, each under the direction of an assistant secretary. The activities of the new department would thus be grouped under education, public health, social service and veteran service administration. Through General Sawyer the president has let it be known that, "He regards it as essential that this legislation be drafted so as to create the department. He is not happy merely in resolutions. He wants action."

The secretary of commerce, in his speech before the engineers, set forth his ideas of uniting in the department of commerce those services which have to do with commerce and navigation.

And, finally, the presiden thas requested that, congress authorize him "to appoint a representative of the executive to co-operate with the joint committee on reorganization," at an annual salary of $7,500, the amount received by senators and representatives in congress. The senate has already passed the joint resolution to put this request into effect.

If all signs do not fail, there will be so many changes in the executive map during the next six months that surveyors will have difficulty in locating the prevailing boundaries. The careful survey contemplated by the last congress, which provided that the joint committee should make final report by December, 1922 was quite obviously based on the supposition that the executive services would remain static long enough for a time exposure to produce an accurate photograph.

A dynamic force—the executive—has entered and upset these orderly plans for a two years' survey and report. It is possible that the joint committee may still make itself useful in the way of drafting legislation to meet the demands of the executive. Certainly, if the creation of the joint committee should result in the establishment of a method for bringing about changes in the executive machinery as they are needed, rather than "sixty years after," a contribution to effective management will have been made.

H. J.

IOWA LEGISLATURE VIOLATES CONSTITUTIONAL MANDATE

BY FRANK E. HORACK

AT the general election in 1920 the question of calling a convention to revise the constitution of Iowa was submitted to the voters in accordance with a provision of the constitution itself which provides for the submission of the question to a popular referendum every ten years. For the first time the proposition received a majority of those voting on the question.

When the general assembly met in January, 1921, there were certain evidences of a desire somehow to escape the responsibility for calling a convention. The statement was frequently made that in the present state of social unrest this was really no time to have a constitutional convention. Yet at first no one seriously doubted but what the assembly would carry out the express mandate of the people.

About a month before adjournment the house passed a bill providing for a partisan convention to meet in 1923. About two weeks later the senate passed a substitute. In the conference which followed the house members did everything they could to kill the bill. In an article in one of the state papers the chairman said afterwards that the house conferees were unanimously opposed to a convention and insisted that the senate must take their bill or nothing, hoping this would result in a deadlock which would prevent the measure passing. The adjournment of the assembly a few hours later, without fulfilling the express mandate of the people as provided in the constitution, has been the subject of considerable comment since, as many probably justifying the action of the legislature as condemning it.

The opponents of the convention in the legislature have tried to justify their action on the ground that the voters had been fooled by the appeals of the Farm Bureau into voting for a convention, and that now they had changed their minds and no longer wished to have one called. The farm papers, one of which had supported the Non-Partisan League, had worked for a convention. Some justified their action on the ground that the majority by which the people voted for a convention was so small that it showed no real desire to have one, although the constitution provides that a majority of those voting on the question shall decide.

To the writer it appears that the action of the legislature was revolutionary in character. In the last analysis it means that the legislature has usurped the sovereign power when it can set aside the vote of the people and refuse to carry out the express provisions of the constitution on the ground that the people did not know what they were doing, or that it will be expensive to comply, or for any other reason.

In looking over the debates of the convention of 1857, it is interesting to note that there were men then who anticipated the possibility of the legislature defeating the expressed will of the people. One of the early governors had defeated a bill for constitutional revision by a pocket veto; and so vigorous though unsuccessful attempt was made in the convention of

1857 to make the amending process self-executing, in order, as one delegate said, "to prevent the legislature from assuming the right to deprive the people of the right to say when and where and how they will amend their constitution."

A number of prominent papers in the state declare that it was not for the legislature to review and re-decide whether a constitutional convention was desirable, nor was it their function to go behind the election returns and determine what motives actuated the people in voting for a convention. Numerous declarations are now being made that the members of the assembly responsible for thwarting the express will of the people will hear from them at the next election; but the legislators probably rest secure in knowledge that the people soon forget.

CORRUPT JUDGES RECALLED IN SAN FRANCISCO

BY PAUL ELIEL

Police judges in collusion with corrupt bail bond brokers and attorneys were recalled by the people after indictments by the grand jury had been dismissed. :: :: :: :: :: :: :: ::

For some years past there has been a steadily growing impression in the minds of San Franciscans that the real fountain-head of whatever political corruption might exist in San Francisco could be traced to our police courts. The courts are four in number, the judges elected for four-year terms, and the salary $3,600 per annum.

Rumors of impossible conditions in the police courts had been obtaining a considerably increasing momentum when in the early part of 1920 a new grand jury was empaneled. This grand jury was the first in years that contained a majority of members who were desirous of making something of it other than a white-washing agency. They, therefore, proceeded to make investigations of police court conditions. The results of their investigations were startling indeed. It was shown that all of the worst practices found in inferior courts were known in San Francisco, and that, in addition, two or three prominent bail bond brokers and a small coterie of attorneys practicing in the police courts practically controlled the administration of justice.

It was the general practice after bail bond brokers had provided bail for their clients, for the clients to fail to appear in court. A bench warrant was then issued, and eventually the person declared a fugitive from justice. Within a varying period—sometimes a month, sometimes a year—the bail was exonerated.

Police court fines had been dropping off with enormous rapidity, until in 1919 San Francisco's total collections from fines in all courts were less than the average collection per court in other cities of comparable size.

With these facts before them, and with others of a similar nature which showed that in flagrant cases guilty parties had been dismissed, the grand jury proceeded to return indictments against the most notorious bail bond broker, and also one of the judges of the police court. Shortly after the indictments were returned, it was shown that in certain cases juries were hand-picked in the criminal departments of the superior court through manipulation of the jury wheel.

When the cases were brought to trial, evidence was so largely circumstantial, and practically without corroboration (except for the testimony of an attorney then under conviction for misappropriation of funds), that the bail bond broker was acquitted, and, on advice of the attorney-general who was instructed by the governor to prosecute the cases, the indictment against the judge was also dismissed. No indictment had been returned against the second judge, although a true bill had been found, because one member of the grand jury had been won over to his side on the night that the indictment was expected to be returned.

When the city was considering charter amendments last fall, an amendment was submitted to the board of supervisors by the Bar Association, Commonwealth Club and Civic League, making the position of police judge appointive. This amendment was outlined in an earlier issue of the REVIEW. It failed to find a place on the ballot, however, owing to the opposition of certain attorneys and of organized labor. A substitute amendment, placed on the ballot and designed to confuse the issue, was defeated at the polls.

Early this spring the Bar Association, the Civic League of Improvement Clubs and other organizations began the circulation of petitions designed to bring about the recall of the two judges previously under fire. After great difficulty, two candidates were secured to oppose them, and the bitterest campaign in the history of San Francisco began. Organized labor was the strongest opponent of the recall, owing to the fact that the judges had always been very friendly towards persons arrested in labor disputes. All of the intrenched powers of evil and corruption, of course, were also behind the existing order. A large number of organizations, however, took the other side, and the women assumed a yeoman's share of the burden in pre-election work. When the votes were counted, the incumbents were found to be defeated by approximately 5,000 votes each.

Meantime two vacancies in the other two departments of the police courts had occurred, and the mayor had made excellent appointments. San Francisco now has for the first time in years a police bench in which all four judges are men of sterling integrity.

ONTARIO CLINGS TO PARLIAMENTARY GOVERNMENT

BY W. J. DONALD

The Farmer-Labor cabinet tried to dig itself in for four years by passing an election novelty destroying cabinet responsibility. ::

Curiously out of place in a British legislature is the least that can be said concerning the section of a bill introduced in the 1920 session of the Ontario legislature and championed by the Farmer-Labor cabinet which would have provided not merly for a maximum term of four years for each assembly, but also for a minimum term of four years for the current assembly and for each succeeding assembly.

This proposal was promptly and severely criticised by most Canadian political thinkers as an attack on a fundamental principle of the British (and Canadian) parliamentary system and as contrary to the spirit of responsible government which presumes that, if there is a vote of lack of confidence in the cabinet or government, the cabinet will resign and the crown or its representative has no other course than to accept the resignation of the premier and the ministry to call on some other leader to form a cabinet or, failing to secure a ministry, to dissolve the legislative body and call for an election.

The proposal was made as a method of preventing what the Toronto *Globe* (liberal) referred to as "resort to the snap election verdict which has been used at psychological moments to renew the governmental life of parties which have as their ideal preferment rather than service to the state." The *Globe* refers to the occasional timing of an election by the party in power so that public sentiment on some passing and possibly unimportant event may overshadow opinion on some more fundamental problem because of which the government would otherwise face defeat.

As a matter of fact, the importance of the "snap" election evil has been greatly exaggerated. The criticism usually emanates from the "outs," whether they be Liberals or Conservatives. In Canada, people talk as if scandalized whenever a general election is "precipitated." Clearly, the remedy is in the hands of the public, for, if it really resents the holding of an election before the fall term of the legislature has expired, it can punish the government by defeating it at the so-called "snap" election. It is generally believed, however, that the real reason for the proposal was the difficult political situation which the Farmer-Labor cabinet faced.

Quite unexpectedly, in August of 1919, as was pointed out in a previous article in the Review, the Farmers' party found itself charged with the responsibliity of governing the province of Ontario. Premier E. C. Drury was confronted with the problem of forming a cabinet despite the fact that he did not have a plurality of "farmer" members to support him in the assembly. As a consequence, a combination with labor was proposed and accomplished.

Coalition governments, as the British call them, are unstable enough under the most favorable circumstances; but the coalition of two groups so radically different as labor and farmer seemed utterly hopeless. Labor itself had internal dissention; and among the farmers, one might have found it easy at any time to start a controversy between former "Liberals" and former "Conservatives." Be it said, to Premier Drury's eternal credit, that he handled a difficult situation with masterly skill.

WHAT WOULD HAVE HAPPENED

The outlook for Premier Drury at the beginning of the 1920 session was not a pleasant one. Is it any wonder that he seized on the proposal for legalizing a "four-year term" as a possible way of salvation for the infant party and for a quite inexperienced cabinet? Had the bill actually passed, it would have somewhat changed political procedure in Ontario.

In the first place a cabinet would have been more likely to introduce bills which were not certain of sufficient support. Heretofore and now, bills which are certain to fail are not introduced by the government, and bills likely to fail are withdrawn in caucus, the government thus avoiding the embarrassment of open defeat.

It should be remembered, however, that the bill could not take away the power of the lieutenant-governor to dissolve the assembly without the consent of his ministers,—power which is provided for by the British North America Act. In practice, however, the lieutenant-governor would probably not have dissolved the assembly without the consent of the cabinet, except in rare cases, and, in turn, the cabinet would have advised dissolution only when it had proved impossible to carry on the government. Actual dissolution would have brought up difficult questions of procedure, such as the question as to whether the new assembly was elected for a full term of four years, or only for the remainder of the unexpired term of four years.

The alternative, which the bill did not prevent, would have been the establishment of a new cabinet, or at least an attempt to establish one, which would often have proven difficult and always unsatisfactory.

The Toronto *Mail and Empire* (conservative) was correct when it stated that there are distinct advantages in the power of dissolution and that "If, in the course of a dozen years, the same government faces the people at the polls four times instead of three, its rule is the more likely to be democratic."

The somewhat amusing fact is that the government faced the likelihood of defeat on this clause of the election bill, and therefore withdrew the proposal. Thus, by withdrawing a clause designed to continue a government in power for four years, the new cabinet possibly saved itself from defeat at its very first session.

The Farmer-Labor cabinet chose to brave the possibilities of defeat at the next session by an improbable coalition of Liberals and Conservatives, or by a more likely disaffection of labor, rather than face the danger of defeat during the first session over an issue of their own making.

Thus not even the exigencies of a cabinet in a precarious and difficult situation served to permit any tampering with the British principle of continual responsibility of the government to the will of the people as expressed in the legislature.

Premier Drury again demonstrated his sagacity by withdrawing the proposal.

THE SMALL TOWN AWAKENS

BY RICHARD B. WATROUS

Member Executive Board, American Civics Association

I

To one with his hand on the pulse of those communities that are most diligently seeking guidance for the direction of energies looking toward finer living conditions it is not at all difficult to note the quick firm beat that comes from the small American towns. To an extent they have caught the spirit that has prevailed and accomplished large things in the metropolitan cities, but, more than that, they are developing a spirit that is almost original or at least that differs largely from that of the great centers of population where things are done in the mass and with the aid of vast municipal legislative machinery. From the small town comes the interest manifested by the individual citizens—men and women—who are becoming more and more conscious of prevailing and wrongly balanced conditions on the one hand but more notably conscious of deficiencies in their community existence.

This new consciousness is significant, for it manifests itself in more important ways than the occasional indignant outbursts against community abuses, such as dirty streets, spoiled water fronts and general untidiness. Conditions such as these can be corrected, either temporarily or permanently, by ways of what has in the past been called "civic reform" and more specifically "clean-up" days, weeks or months. These, however, are temporary expedients, and in most instances have failed of the purpose they might accomplish to establish continuous habits of town cleanliness. The new thinkers are plowing deeply and opening up new furrows in their attitude toward their communities as a whole. Without knowing much about or understanding at all what is comprehended by the term city planning, they are, nevertheless, catching the vision of the city planner, whose aims and calculations are so largely for the future. This new type of small-town citizen wants to see movements started that will aim toward conditions of living to produce the most of happiness for all the people of all classes.

Imbued with these new ideas these individuals in hundreds and thousands of small towns are getting together in little groups and seeking light as to how best they can organize so as to accomplish collectively what they, as individuals, realize are important things to accomplish. The small town differs from the large city in that it does not have in continuous session legislative bodies to enact ordinances, define courses of action and policies to be pursued. They are not large enough to maintain chambers of commerce or boards of trade. Rather it must be through group organizations of people themselves that policies are to be outlined and set forth as those to be followed.

II

Probably at no previous time has there been a greater need for wise counsel to the small towns and cities than at the present time, and certainly there has never been such fertile ground in which to plant new seed. Certain of the national organizations have made a study of the needs of communities and they must be in a position to advise these small towns how to organize local civic leagues, or other community groups, so that they may be the medium for the expression of the best sentiment of the community and bear a relation to the community itself similar to the relation that legislative councils and business organizations bear to the citizenship in the larger cities.

That a positive need for such guidance exists is demonstrated by the inquiries that come, for instance, to the American Civic Association at its Washington offices from scores of small towns in all parts of the United States. In making reply to these inquiries it will not do to say that Chicago has been doing thus and so, that New York has applied certain reforms, that Philadelphia has been successful in accomplishing this or that. The problems of these large cities are not the problems of the small towns.

Too often it has happened in national meetings or conferences where there has been a generous attendance from small towns that the principal speakers have been from the big cities and they have, as a rule, told their audiences what they were doing in their own communities. They have been passing out a diet that has been totally indigestible to the men and women from the small towns. It is not exaggerating to say that, notwithstanding the good intentions of these speakers, they have been treating the small towns very much as a nurse would treat a babe of six months if she tried to feed it beef instead of milk. What the small towns need is help that is directly applicable to them. The field for such service is vast because it is not necessary to say that the small towns vastly exceed in number the large cities.

Certain fine initial steps have been taken in the past to meet this demand. For seven years the American Civic Association has had in circulation, and with excellent results, a most useful pamphlet, *Civic Improvement in the Small Towns*, written by Miss Zona Gale, who has lived in small towns and has had her hand on the pulse of the small-town resident. But that fine message has reached but a small portion of those who are seeking just what it has to offer. In recognition of this positive need the association is now preparing, and will issue soon, another new pamphlet on the same subject which will undertake to answer in brief form just as many of the queries that have come to its officers during the past five or six years from the small towns as possible. It will urge the organization of local civic bodies, the membership of which shall be general and very democratic. It will go so far as to outline a prospective form of organization and suggest the most workable constitution and by-laws. It will suggest and define activities of committees to meet various conditions.

All of these suggestions will be so formulated and set forth as to meet, so far as humanly possible, the new consciousness of the small town which wants to be told how to develop itself, not for to-day alone but for tomorrow. As one pauses to contemplate the area of the United States and to consider the thousands and thousands of little groups of Americans in very small towns, in towns and in small cities he cannot but be impressed with the fine opportunities that lie before those ambitious to render a national service to direct their energies quite exclusively to assisting these centers of human activity that are already aroused to a consciousness of their needs and seek only guidance for the direction of their ambitions.

THE DIRECT PRIMARY WEATHERS THE STORM

BY RALPH S. BOOTS
Columbia University

Brief comment on various efforts to abolish or modify the direct primary. Some reformers and all politicians are dissatisfied with it.

Twelve state governors referred to the direct primary this year in their messages to the legislatures. Their opinions showed great variability, and if an average of their attitudes could be struck, it might be designated "critical." At the one extreme stood Governor Mechem of New Mexico, recommending the adoption of a state-wide primary law for the nomination of all candidates for public office (New Mexico is one of the six states which have no direct primary law), and at the other, perhaps, Governor Hart of Washington, urging the out-and-out restoration of county and state conventions, with the comment, "Time and experience have demonstrated that the direct primary is not the rose-strewn pathway that leads to the political Utopia dreamed by its sponsors." The admonition of Governor Hyde of Missouri was, "Put teeth in the primary law." Governor Dixon of Montana took practically the same position as Governor Cox of Massachusetts, the former saying, "The most plausible argument advanced against the present primary law is that the voters cannot know the personal qualifications of the long list of candidates for the various minor elective state offices," and the latter, "The objection which seems to have most weight arises because there are so many offices to be filled in a state-wide primary. . . ." Both accepted the direct primary principle and advocated the short ballot as the logical solution of the difficulty, so that the governor, in Massachusetts at any rate, would be the only elective state officer.

The tone of the messages in Nebraska, Minnesota, Oklahoma, Colorado, and Indiana, was quite plainly hostile, due in the first two states, perhaps, to the ravages of the Non-Partisan League. The Republican platform in New York proposed the restoration of the convention to nominate all candidates for state-wide election and justices of the supreme court (elected by districts). Governor Miller accepted this plank in his campaign and later indicated an intention to send a special message on the subject, which was not carried out.

ACTION IN VARIOUS STATES

What did the legislatures do to the direct primary? In all states with practically but one exception, New York, the direct primary maintained its lines unturned and unbroken in the face of a fairly heavy assault, inspired, if not directed, from Washington, according to the suspicions of the *Indianapolis News*, in order to prepare for a general abolition of the presidential primary before 1924. Tactical superiority, however, would seem to lie in a reversed order of procedure, since it is almost certain that the primary laws for the nomination of state officers have a much more solid popular support than those attempting to popularize the action of the national nominating conventions.

In Indiana a severe attack on the primary was resisted by the League of Women Voters and ex-Senator Beveridge. Friends of the primary counterattacked by proposing the extension of the law to include the nomination of minor state officers (now nominated by convention), in somewhat striking contrast to expressions of short ballot opinion noted above. The only primary repeal bill introduced in the house was easily killed. The Beardsley bill in the senate, which provided the convention for state and county nominations, and reserved to any county committee the right to authorize the direct primary for the county area, was defeated after a considerable contest during which it was proposed that a popular referendum be held on the measure. Some opponents of the bill decried an appeal to the people on the ground that it would be only a surrender to the machine politicians of both parties who could swing the organization vote and carry the proposal. One wonders if the voters in Indiana are less careful of their political privileges than their representatives are.

Idaho in 1919 repealed in part its direct primary law of 1909, providing for the nomination of state and congressional candidates by convention. This year there was a great effort to restore the primary, which was one of the big issues of the session. The house passed readily a bill for the purpose, but the senate turned it down, and at the very close of the session the two houses staged a carefully planned disagreement over the time of referring the question to the voters. The N.P.L. seems to have gained control of the machinery of the Democratic party in Idaho and to have figured in the fight.

In Nebraska a proposal to provide for a state convention to nominate candidates for the subordinate state offices was defeated with little effort, as was also, seemingly, a proposal to have preliminary state conventions designate three candidates for nomination to each office, who should be the only contestants permitted at the primary. The former was practically the same proposal that met defeat at popular referenda in Nebraska and South Dakota last fall. In Minnesota a bill was introduced creating state, county, and congressional district conventions. The delegates to county conventions were to be selected at a March primary. County conventions were to select delegates to the higher conventions. All these conventions were authorized to endorse candidates for nomination within their respective areas, and these endorsed candidates were to have first place on the ballot at the primary election in June, with the designation: Endorsed by —— party convention. Voters were required to enroll in parties in order to vote at party primaries, and no voter participating in the March primary for the selection of delegates could change his party for the June primary. Notwithstanding serious opposition, especially from the Non-Partisan League in the house, the bill passed and is now a law.

No provision for radical modification of the primary seems to have made headway in Washington. A bill to require party enrollment as a prerequisite to participation in a primary and another dealing with the selection of county and state committees and recognizing conventions for other than nominating purposes, attracted considerable attention and were passed.

What was considered by many as an entering wedge to overthrow the direct primary system in Massachusetts was defeated when the legislature rejected measures providing, one for the nomination of minor state offices by convention and another for the endorsement of candidates by pre-primary convention. No significant changes were made in Oklahoma and Colorado nor apparently in New Hampshire.

NEW YORK RESTORES CONVENTION

The New York legislature, in the closing rush of the session, restored the party convention for nominating state officers, United States senators, and justices of the supreme court. Delegates to the state conventions and judicial district conventions are to be designated by petition and elected at party primaries. For a time it seemed that county committees would be permitted to designate without petition one set of organization candidates for delegates. Even The *New York Times* could not stomach this proposal. For local nominations the present primary is retained. This action is the climax of six years of threatening by the party organizations, during which the violation of the spirit of the direct primary by unofficial organization designations seemed to arouse little hostility among the voters. In no instance in those years did a candidate put forward for a state office by an unofficial convention fail of nomination.

Perhaps some experience with the Minnesota and New York plans will afford guidance in further modifying the nominating process in other states. If the parties in control of the legislatures which made these changes do not fare badly at the next elections, it may be confidently asserted that other legislatures will take courage and persist in the onslaught on the direct primary. But a return to the convention system can hardly be viewed without uneasiness by anyone with knowledge of its history and with a belief in more responsible party government. It is to be hoped that the friends of the primary can agree on such improvements as will make it more conducive to party responsibility, less exposed to attack on the ground of inferior product, and more readily responsive to the control of the rank and file of the party voters.

NEW YORK'S NEW TRACTION PROGRAM

BY RAYMOND V. INGERSOLL

Secretary, New York City Club

The governor of New York has forced through the legislature a law creating a transit commission for New York city which supplants the city government so far as traction matters are concerned. :: ::

Governor Miller has put through the New York legislature a drastic traction program. While it applies only to the city of New York, the language of the bill covers "all cities containing a population of more than one million inhabitants." This is the usual subterfuge for avoiding a provision of the state constitution requiring that bills affecting only one city shall be sent to the mayor and may be passed only with his approval or over his veto.

The act concentrates in three commissioners appointed by the governor all powers hitherto possessed by the board of estimate or other city agencies to deal with transit matters in New York city and all the regulatory and police powers of the state. Every possible power is conferred except that under the state constitution there are certain minor reservations in regard to giving consent for new routes, and there are, of course, very effective constitutional restraints to prevent any commission from taking away contract or property rights from the private companies. It is also true that the new commission cannot directly pledge the credit of the city for the construction of new municipally owned lines. It will be seen, however, that under the plan contemplated the city can be forced to take title to the surface lines and contracts can be entered into on behalf of the city which will bind the car riders for an indefinite period of time.

MUNICIPAL OWNERSHIP EVENTUALLY

Consideration is to be given by the commission to the working out of a plan by which title to the surface lines may be vested in the city. It is set forth that such a plan shall be based upon a valuation to be determined by the commission. Existing railroad securities are to be exchanged for new securities representing this valuation and secured by an operating lease, with a guarantee that such rates of fare will always be allowed as may prove adequate to pay operating expenses and an agreed rate of return upon the valuation.

As originally introduced, the valuation clause was wide open and read as follows: "Such valuation shall be in such detail and shall include such elements of cost or values and shall be made in such manner as the commission may prescribe." At the end of the session, however, this section was considerably improved by the addition of the following language: "Such valuation shall be made with due regard to the estimated prospective earning capacity of the property necessarily used in the public service at the rate or rates of fare that the company prior to the taking effect of this act was entitled to charge in view of the provisions of the contract or franchise under which the property is operated or held or of any lawful order in force fixing or regulating rates of fare and of the competition of other lines and with due regard to all other pertinent facts and conditions; but such valuation shall not in any case exceed the fair reconstruction cost of the property less depreciation."

In addition to its sweeping powers for dealing with the surface lines the commission is authorized to come to an agreement with the companies for a rewriting of the contracts for operation of the subways to which the city now holds title and in which it has invested about three hundred million dollars.

HOME RULE DENIED

Various steps are prescribed for the holding of public hearings on the plans above outlined before binding contracts are executed. The taxpayers, voters, and elected representatives of the city, however, have only the right to criticise and to make suggestions. The commission can finally take action without the consent of any local authority other than itself. This it can do notwithstanding any provisions of law to the contrary in the general city law, the greater New York charter, or elsewhere, and notwithstanding any right which the city may now hold under existing franchises or contracts.

In contrast to the far-reaching powers of the commission in dealing with the rights and interests of the city is its very feeble legal position where the rights and interests of the traction companies are involved. There are more than thirty separate operating companies and a baffling variety of securities whose holders all have their own special angles of interest. Under the constitution, and by the terms of the bill, every company may "elect" whether it will accept any proposed plan. Sponsors for the bill, however, are hopeful that the present weak financial condition of the companies under their present rate of fare will incline them to be reasonable and make them willing to give something up in order to get other and better things in return.

IMMEDIATE FARE INCREASES AUTHORIZED

Authority is also given to grant immediate temporary increases in fare without waiting for the working out of the permanent plan. In fact, such temporary readjustment of fares was made mandatory by the change of a "may" to a "shall," which was slipped in unnoticed in an amendment at the close of the session. As a partial safeguard, however, to prevent a temporary increase from defeating the permanent plan by surrendering the only power which the city holds over the companies, it is provided that in connection with the granting of a temporary increase the commission may require the companies which are to benefit to execute such stipulations as may be deemed necessary to further and protect the consummation of such plan. Some skeptics think, nevertheless, that the increase in fare is the only part of the program which will ever become effective.

The commission is often spoken of as an impartial tribunal. It may be observed, however, that in so far as the rights of the community are concerned it will be acting for all practical purposes as a principal. This will place it in an exposed position. It will be dealing with officers and attorneys for the companies, who, after negotiating and bargaining for the interests which they represent, will always have to come back to their own principals for final authority. In the meantime the business community will be expecting the commission to work miracles and will be urging a prompt settlement. The general public will be helplessly awaiting the outcome, and the board of estimate and other city officials will be engaged in obstructive litigation.

There can be no doubt that transit problems in New York have become acute. There is need for a thoroughgoing investigation and the working out of a plan. Unification of the surface lines is to be desired and a considerable concentration of authority was doubtless necessary in order to produce results. Governor Miller was the first to present a comprehensive official plan of action. He has attempted to cut the Gordian knot.

CITY ADMINISTRATION DISTRUSTED

That the principle of home rule could be so ruthlessly swept aside is due largely to general lack of confidence in the ability of the present city administration to deal with so complex a problem. This has been a potent influence in spite of the fact that the present city administration has only a few more months to serve.

In putting forth the program Governor Miller has invoked the full sovereign power of the state and has asserted the ancient legal doctrine that municipal governments are mere agents or instrumentalities of the state for the convenient administration of local affairs, the state always reserving the power to eliminate one agency and displace it with another. There is much law to support this point of view. But to those who have approved of the recent development of increased local control over local problems a full assertion of this principle may sound as would a claim on the part of the King of England to exercise such of his rights and prerogatives of a century ago as have never been specifically repealed by statute.

The situation invites students of government to reflect upon one of the great anomalies of our American constitutional system. The average citizen feels that his first loyalty is to the federal government and he follows federal elections with an intense interest. If he lives in an important city his interest next in vividness is in the affairs of his own town. Compared with the nation or with the city, the geographical lines of the state are relatively vague and accidental. State elections are frequently determined not so much on their own basis as according to some sweep in the tides of national political feeling. This was conspicuously true of the state elections held last fall. It remains true, nevertheless, that under our theory of government the state is the original source of sovereign power. The federal government started out with such powers as were granted by the states. Cities derive their authority also from the state government and hold them under a weak and uncertain tenure.

The New York transit commission is made up of men of considerable experience and ability. They have before them a complicated task, and their work will be followed with interest in every part of the country.

A NEW CIVIC ARMY

THE LEAGUE OF WOMEN VOTERS MEETS IN CLEVELAND

BY RICHARD S. CHILDS

The National League of Women Voters, a new, big, dynamic organization with vision and a fixed purpose to improve things. We are glad you're here. :: :: :: :: :: ::

For about thirty years we civicians have wallowed and tousled around in the jungle and mire of slovenly politics, accomplishing much, so much that when we turned and looked back twenty-five years through the pages of Mr. Woodruff's valedictory we were astonished at the progress we had made.

Yet after thirty years, what are we?

Three thousand, out of a hundred million, in the National Municipal League, and perhaps fifty thousand feebly connected with us in various local municipal leagues, voters' associations, city clubs and the civic committees of sundry chambers of commerce! A civic army that wins incessant indirect victories by the simple expedient of occasionally thinking a political reform idea all the way through until the idea is so technically solid that it can withstand the merciless hammering of our own debates, whereafter it easily serves other less informed discussions outside and moves serenely to eventual installation because it is right and does not rot with delay! A civic army that never was big enough or widely enough understood to assume the proportions of a crusade! Indeed our effort has often been an effort to be even visible!

THE N. M. L. SAYS WELCOME

And yesterday there arose a clamor of new voices all around us in the jungle, friendly voices, myriads of them with authoritative competent leaders appearing calmly at our shoulder saying: "Yes, there are *two million* of us here, all organized in state and local divisions and drilled by decades of fighting for another cause that now is won. We are ready to turn and fight alongside you for the same objectives. Where are those ready-made and tested ideals of yours—in editions of 100,000 please?"

Can you wait a moment, ladies, till we catch our breath? And until we scratch up a little money? The ideals are here in stock, but some are in the form of unwritten orthodoxy, and others in the form of dull technical pamphlets, and others we are still happily quarrelling about as to items of important detail.

Two million of you? Being only three thousand ourselves, or fifty thousand, it would be impertinent of little us to say: "Welcome into the great scrimmage," but—we are glad you've come!

THE CLEVELAND MEETING

A new national organization in this country for civic ends, a real organization that is built up from localities to states and from states to a national center is a miracle. There have never been but two before—the Republican party and the Democratic party—all others were fragmentary like the Socialists, or temporary like the Progressives, or hopeless like the Committee of 48 which never seemed to see that our country is so vast as to defy real organization of rank-and-file citizens except under most dramatic and primitive impulses. The suffrage army of women was in many of the most populous states elaborately and thoroughly organized with ramifications to almost every hamlet, efficiently captained and enthused with the scent of coming success. It would have been a crime to discard that great structure of mutual trust and understanding and solidarity the moment Tennessee ratified the amendment? The structure had cost too much and it was too precious for new purposes!

So at the 1919 convention of the National American Woman Suffrage Association at St. Louis there was organized the new section destined to bud off at the Chicago convention of 1920 as a separate organization, the League of Women Voters, the heir to the human warp and woof of the vast suffrage organization.

In April of this year, at Cleveland, this League of Women Voters met separately for the first time in a convention of 400 delegates with at least an equal number of official visitors. The newspapers called them a thousand. It was big anyway—the biggest assembly of out-of-town people that we have ever seen brought together for civic purposes in America.

In the list of resolutions that were passed at Cleveland are a number that are phases of feminism of which the League of Women Voters would indeed seem to be the logical promotees, others like disarmament that likewise lie outside the realm of the National Municipal League and few that fall directly in our field. But it appears abundantly that the resolutions give no complete picture of the convention. The *Woman Citizen*, their official organ, describes the convention in its first large headline as "A Challenge to Corrupt Politics"—you will not find that thought expressed at all in the resolutions. Our representatives at the convention (the two field directors, W. J. Millard and A. R. Hatton, and Miss Howe) brought back the same impression of the convention's direction. And a significant action of the assemblage was the creation of a new department of government efficiency replacing a committee of election laws and method.

For one important session disarmament quite properly dominated civics. Will Irwin had pleaded powerfully for the ending of wars and Mrs. Carrie Chapman Catt who was scheduled to follow him on the program, with a paper on "Psychologies of Political Progress," discarded her prepared speech and spoke impromptu to the subject with an eloquence that stirred the assemblage to a deep solemnity and brought forth a dramatic response that took the shape of the world disarmament resolution.

Mrs. Catt presiding at one of the seven simultaneous conferences, where our Dr. Hatton and Albert S. Bard spoke, proved herself sound and at home in our field, urging the members to address themselves toward making democracy workable by direct primary, improved election practices, short ballot and proportional representation. Incidentally she gave her personal public endorsement of our League and made our booth a busy place thereafter. Her committee recommended that each State League call a small advisory meeting of men and women who are familiar with the need of reform in the fundamental law which applies to elections and the form of government, and from that meeting to proceed to a study primarily of the election law of the respective states. The second recommendation was that a conference on efficient government shall be held with experts to point out the strength and weaknesses of our present system and to recommend changes.

The fundamental object is to lead forward with the idea of getting the women of the country to support the fundamental legislative changes when they are ready to be made.

Arrangements are already in effect to have Dr. Hatton and W. J. Millard at two of the League's state meetings, and further engagements are expected.

Other conferences dealt with social hygiene, uniform laws—concerning women, food supply and demand, Americanization. A sense of definite triumph came when, a few hours after Mrs. Park, chairman of the convention, had described an interview with President Harding on behalf of the Sheppard-Towner bill protecting mothers and new-born babies, the news came of the presidential message strongly recommending the bill.

And then in an hour, when they had nothing else to do, they raised $80,000 in responsible pledges for the coming year's expenses of the National Board!

The co-operation which we are expected to give covers first the preparations of a series of pamphlets in style and treatment for widespread educational use, covering the essential feature of the principal standard political reform projects and serves specific and technical help at those state conferences where the general ideas must be converted into specific measures of legislation suited to local conditions. At these state conferences men are to be welcome and in many of the states our local members can undoubtedly be very helpful especially in the technical work, and will find the League of Women Voters a powerful ally.

The National Municipal League has been for years a manufacturing plant with a good quality and small quantity of civic output—and no selling force on the road although recently we have begun to indulge in more propaganda and popularization of our material. And now comes this fresh new civic army of women, an organized army, armed abundantly with enthusiasm and well aware of the enemy—and looking for ammunition!

SOME PLANKS IN THEIR PLATFORM

Opposing any weakening of the national prohibition law.

Indorsing the Sheppard-Towner bill for the protection of maternity and infant care.

Indorsing the principle of physical education in schools, through state action with federal aid.

Asking for generous appropriations for the federal children's bureau.

Urging the enforcement of all child labor and school attendance laws.

Asking for a reclassification of the civil service on a merit basis, without discrimination against women.

Recommending an equal interest by husband and wife in each other's property, acquired after marriage.

Asking for direct citizenship for married women.

Opposing any attempt to repeal state direct primary laws, and in favor of making nominations more representative of the voters.

Urging each state to call a state conference of men and women to discuss ways and means of improving election machinery.

Indorsing the principle of protection of national parks and monuments and keeping them inviolate for the use and enjoyment of the people.

Indorsing the creation of a federal department of public welfare and urging the appointment as head of the department of a woman who is an expert on social problems.

Recommending the regulation by congress of the meat-packing industry.

Disarmament.

WHAT A TESTING LABORATORY MEANS TO A CITY GOVERNMENT

BY GEOFFREY A. GRAY

Director, Cincinnati Bureau of City Tests

By means of a testing laboratory a city is enabled to buy not coal at so much a ton, but heat at so much per unit. A testing laboratory also yields social as well as economic returns. :: :: ::

During the last decade, following the example of the larger industrial corporations, many cities have put into effect modern methods for the purchase of supplies, superseding the wasteful and extravagant method of allowing each department to obtain its own supplies independently and without control. Central purchasing agencies were established through which all supplies for all departments are bought. The chief duty of these agencies is to standardize specifications for items of general use and to purchase them in such quantities and qualities as may be most economical and suitable. The first attempts at standardization revealed the necessity for research examinations before quality standards could be set up; at the same time the importance of testing deliveries of goods, to insure their compliance with completed specifications, was recognized. The testing laboratory was established to meet these needs.

It is difficult to make direct valuations, even of tangible things, so in attempting an appraisal of the work of a municipal laboratory let us rather compare it with the work of industrial laboratories, taking some account of the conditions which brought them into existence and influenced their development.

LABORATORIES IN INDUSTRY

Fifty years ago the chief concern of American industry was expansion. Nature had provided a seemingly inexhaustible supply of raw materials and this, with native American ingenuity in adapting machines to the work in hand, enabled the American manufacturer to compete successfully in world markets, although he used most extravagant and wasteful methods. But with expansion of industry came increased competition and higher standards of living; the manufacturer began to realize that the supply of cheap, high grade materials was becoming depleted and at the same time was confronted with ever increasing demands for higher wages; further, the development of the arts and sciences was creating new demands for specialized products suitable for use under peculiar and difficult conditions. Requiring more exact and intimate knowledge of its products, and development of more efficient manufacturing methods, to meet these conditions, industry turned more and more to science for help in solving its problems. Engineering had long before been at work on the purely mechanical problems involved, and indeed was the foundation of all progress already made. Chemistry could, and did furnish solutions for some of the problems in its field, but in these earlier days, when first confronted with problems of method and utilization, had not reached the point where it could render the full assistance it was able to give. It had advanced in theory but had had little concern for the practical application of its discoveries. On the other hand, those industries using true chemical methods were largely following empirical rules, and little was known of the true nature of the changes involved. With such conditions it was inevitable that general acceptance and appreciation of the value of chemistry to industry should be slow in developing. The earlier industrial laboratories were established largely because of the increasing need for examination and control of the quality of materials; this because of the depletion of supplies of the highest grades of raw materials and the more precise and careful specifications which were being written.

As chemistry turned more and more to the investigation of industrial problems, and succeeded in developing better manufacturing processes and new uses for waste products, many laboratories came to have another function, that of controlling the processes themselves. Maximum production or specific qualities can be had in many cases only by exercise of most careful control over raw materials and the conditions surrounding their treatment; thus, in the production of iron, the proportions of fuel, ore and flux charged into the blast furnace are determined by the analysis of each lot of these materials, which, even with this control, must conform to precise specifications. Later, in converting crude iron from the blast furnace into other grades, the processes are interrupted at certain points while the laboratory determines whether the treatment is proceeding properly.

Still a third function came to be given the laboratories of the most progressive industries as the value of the services of chemistry was better appreciated. This function, commonly called research, is the detailed study and investigation of all possible raw materials, processes and products of the industry with the object of determining the most efficient and practical direction for its operation and development.

THE MUNICIPAL LABORATORY

So we find industrial laboratories having three functions, first the checking of qualities of materials, second the control of manufacturing processes, and third the development of new processes, products and uses. The municipal laboratory has these same functions, modified somewhat to meet the peculiar needs of the cities. Like the earlier industrial laboratories it was established to complement the work of the purchasing department by supplying data for formulating specifications and insuring compliance of deliveries with specifications. Its work in this field covers a much wider range and is much more irregular than that of most industrial laboratories, whose work is usually confined to comparatively few products and can be well organized and systematized as the number of samples of each kind is fairly constant. The conditions obtaining in the city laboratory are quite different; the materials to be examined are of the most varied nature and are submitted for the most part without any regularity of time or number.

THE WORK OF ONE LABORATORY

The following brief outline of some of the work of one city laboratory in this field will serve to give an idea of the importance and extent of its usefulness in this direction. Among the products tested by this laboratory are oils of all sorts, lubricating, road oils, etc., paints and paint materials, soaps, blankets, graphite, butter substitutes, fire hose, brass, fertilizer, insecticides, etc.

One of the largest items in municipal purchases is coal; the establishment of a purchasing department and a testing laboratory made it possible to buy this commodity on a scientific basis; the city now buys not coal but heat; dealers wishing to furnish coal submit with their bids guarantees of the heat value and ash content of the coal to be furnished; the price is computed in heat units per ton and the dealer is paid on this basis, the value being determined by analysis of samples drawn from each delivery; he is further penalized or rewarded as the coal contains more or less ash than he guarantees. An additional correction can be made for moisture when the coal is weighed while wet. The introduction of this system has not only effected a marked saving to the city, but in addition better grades of coal are furnished, as a rule.

Though the gas consumed by the city itself may be a very minor item. the aggregate used by private citizens is great and its quality is provided for in ordinances and franchises; regular examinations are made to determine whether it conforms to these standards.

A very pure and soft lead is required for calking joints in water mains and difficulty is had at times in securing supplies of the proper quality; acid for storage batteries must be free from certain common impurities or it will quickly ruin expensive batteries; the efficient service of hundreds of thousands of dollars worth of machinery operated by the city depends directly on the quality of the lubricating oil used. Laboratory examination of all these products does more than insure their compliance with specifications; it prevents loss and damage through use of unfit materials.

Municipalities are not usually considered as manufacturers, but actually come within this class; streets, sewers, bridges, buildings, all are manufactured by the city itself or under its direct control and supervision. Careful control of materials and their preparation is essential to enduring products of this kind and the work of the municipal laboratory in this field is strictly comparable with that of the industrial laboratory, even to the point of examining materials in process of manufacture. Thus from time to time samples are drawn from asphalt paving before it is laid to insure that its mixing and preparation have been properly completed.

While this function of the laboratory in testing materials of construction may seem to be merely an extension of its work in examining all supplies, its importance gives it claim to separate consideration. The exclusion of improper or unfit materials from permanent works or improvements is, in most cases, vastly more important than securing supplies of specified qualities for immediate consumption. The need for this examination at the point where the material is to be used is well illustrated by the following case. In the routine testing of all construction materials, a carload of cement, from a reputable mill, which had been tested at the mill and certified to the dealer as conforming to standard specifications by a laboratory of national reputation, was found to be unsound and rejected. It would seem impossible for such material to leave a reputable mill under such conditions, but the fact that the mistake was made emphasizes the necessity for constant vigilance. Again the nature of the iron and steel used in underground work is of the greatest importance in providing against electrolytic corrosion; examination of some of the materials supplied for a new water system showed them to be entirely unfit for their intended use; had they not been detected they would undoubtedly have been a serious menace to the entire system.

A BETTER CITY TO LIVE IN

We have already spoken of the necessity for laboratory investigations to assist in the proper formulation of specifications, but this is not the only direction in which research is carried on by the municipal laboratory. With the co-operation of the other city departments its field is very broad. Problems of many kinds arise from time to time requiring more or less extensive investigation for their solution. A few examples of work of this kind, carried out in a municipal laboratory, will illustrate the possibilities of its usefulness in this direction.

A study was made of atmospheric pollution in connection with the smoke nuisance. It is true that standards have been established for determining the density of smoke leaving stacks and these are, without question, of great general importance and value. But local conditions, topography, climate, etc., have much to do with determining whether a given amount of smoke will be sufficient to constitute a nuisance. A great deal of work, extending over a long period, was done in co-operation with the department interested, in determining the true conditions in different parts of the city.

An investigation of the gas supply revealed the cause of frequent and destructive explosions; as a result the gas company was required to install new apparatus to correct the faulty condition.

A study of garbage collections was made for the purpose of gathering data to be used in considering new plans for its disposal. Investigations were made of local deposits of stone and sand to determine their fitness for use in construction projects.

Such, then, is the work of the municipal testing laboratory. It insures that the supplies furnished the city will be of the quality specified; that unsound and unfit materials will not find their way into the city's construction projects; it provides the means for research on many of the problems met by the city departments. It is as necessary to the efficient city government as is its laboratory to the efficient industry.

TOWARDS SIMPLIFIED STATE GOVERNMENT

I. BETTER STATE GOVERNMENT FOR WASHINGTON

BY LOUIS F. HART

Governor of Washington

Ohio and Washington have set their house in order by adopting codes greatly improving their administrative organizations. These represent a big advance in popular government. :: :: :: :: ::

In the state of Washington we have some seventy-five or eighty boards, commissions and institutions, under the jurisdiction of the governor and directly or indirectly reporting to him. There various boards, commissions, institutions and individual appointive officers numbered some two hundred and ten individuals, with each board, commission, institution and office trying to operate alone and frequently in competition rather than in co-operation with other agencies.

In addition to these we had *ex-officio* boards and commissions until we scarcely had one which was not duplicating the efforts and work of one or more of the others. It was almost impossible to tell where or by whom a thing should be done; who was responsible for it or to whom, if anyone, he was responsible. In some cases members of boards and commissions had openly gone to members of the legislature and lobbied for measures for their own particular benefit. Frequently such persons considered themselves wholly without the control or disciplinary power of the chief executive.

NEW CODE ADOPTED

In September of 1919 I began gathering data relative to administrative reorganization in other states, and through trained and confidential appointees I gathered all the information possible regarding the administrative code of Illinois, Nebraska, Massachusetts and Idaho, as well as a large amount of literature from various writers upon this subject.

After a careful study of this material I began a mild propaganda through the press looking to the co-ordination of governmental functions and a co-operation of governmental departments. So quickly did our people take to this matter, that at the state convention of my party in May, 1920, a strong plank endorsing and pledging the party to an administrative code was adopted without opposition. With the assistance of one of the best trained men in administrative affairs in the state and the attorney-general and a corps of stenographers, we began work more than a year ago drafting the civil administrative code, the enactment of which I urged in my message. With four very slight amendments changing the verbiage, but with scarcely any change in substance, the code passed with eight negative votes in both houses. This code combines the seventy odd boards, commissions and institutions into ten departments, with a director appointed by the governor as the head of each department. The several departments are known as

1. Public Works.
2. Business Control.
3. Efficiency.
4. Taxation and Examination.
5. Health.
6. Conservation and Development.
7. Labor and Industries.
8. Agriculture.
9. Licenses.
10. Fisheries and Game.

The several departments are divided into divisions, each in charge of a supervisor appointed by the director. The supervisor appoints the employes in his division.

Each supervisor is held responsible for the work of his division by the director of his department, and the governor holds responsible each director for the work of his department.

ECONOMIES BEGIN AT ONCE

This bill passed the legislature with an emergency section and went into effect on the first day of April. As yet we cannot give any positive evidence of the success of the code. In one department employing about one hundred and thirty persons under the various commissions therein combined, we have dropped from the payroll about fifty people, and it appears that the work is going to be better done than heretofore.

Aside from putting the affairs of the state on a purely business rather than a political basis, I might point out the following as perhaps the salient features of the code.

A department of efficiency was created with power to inspect, examine and supervise all public offices of the state, as well as all educational, penal, benevolent, and reformatory institutions and all departments of the state government; to make efficiency surveys and examine into the physical needs and industrial activities and to make confidential reports to the governor recommending betterments. This department is also to make cost findings of the several farming and industrial operations of state institutions and property surveys of all state departments and institutions, and to install systems of property accounting. It is particularly to recommend a system of classification of salaries and compensation of subordinate offices and employes of the state. In the department of business control we have a division of purchases through which everything needed by the state is purchased.

The ten directors with the governor as chairman constitute the administrative board, the functions of which are to systematize and unify the adminstrative duties of the various departments, classify employes with reference to efficiency and compensation, and advise with the governor in the matter of governmental policies.

At the first meeting of our administrative board it was resolved to set aside as a reserve for each department 15 per cent of the total appropriations made by the legislature, excepting those for capital outlays and statutory compensation, no part of which could be expended by any department without an affirmative vote of the majority of the administrative board. Through this means we expect to return to the treasury, at the end of this biennium, $1,500,000, a sum just about equal to the amount of the deficiency appropriation the recent legislature was required to make to carry the state through the biennium just closed.

THE GOVERNOR RELEASED FOR MAJOR DUTIES

Formerly fully one-half of my time was taken up with detail matters that are now handled by clerks in the various departments, and I am free to devote my time to a general supervision of the state's business. I can look after its numerous charitable, penal, educational and eleemosynary institutions, its highways and other interests, and have some time to devote to governmental policies. Although our experience with the code has been brief, we are very sanguine of its success.

II. OHIO REORGANIZES

BY D. C. SOWERS

Director, Akron Bureau of Municipal Research

Two years ago the Ohio legislature created a joint legislative committee to investigate the various state departments with the view to effecting such a reorganization of the government's activities as would promote greater economy and efficiency. This committee appointed a corps of specialists in governmental reorganization, which prepared and submitted detailed reports covering the forty-nine offices, boards and commissions and made recommendations for radical changes in the state's organization and a reduction in the number of independent boards and commissions. The Akron Bureau of Municipal Research was placed in charge of the reorganization study, and assistance was secured from the Institute for Public Service, New York city, and the Detroit Bureau of Governmental Research.

This corps recommended making the offices of secretary of state, treasurer and attorney-general appointive and lengthening the term of governor and lieutenant-governor from two to four years. These changes required constitutional amendments and were not incorporated in the reorganization bill as it was finally enacted. It was also recommended that the auditor be charged not only with the auditing function with respect to accuracy and legality of financial records, but in addition, be charged with the duty of ascertaining the wisdom, economy and effectiveness of expenditures and thereby constitute a continuing check upon the administrative organization. This feature was also not incorporated in the final bill. The governmental experts also recommended the retention of boards for the health department, industrial commission, public utilities commission and the department of education. A state board of welfare was recommended without administrative powers but with the responsibility for investigating and reporting upon the state's welfare activities.

The administrative reorganization bill was introduced in the house February 24 and passed as an emergency measure on March 17. The bill passed the senate with certain amendments as an emergency bill April 7. The house has agreed to the senate amendments and bill has been signed by the governor. The bill provides that the reorganization scheme shall go into effect at the commencement of the succeeding fiscal year, viz., July 1, 1921.

The opponents of the reorganization bill are attacking the emergency feature of the measure, and it is said will endeavor to secure a referendum upon it. It is questionable whether this can be accomplished since the state constitution provides that "laws providing for tax levies, appropriations for current expenses and emergency laws necessary for the immediate preservation of the public peace, health or safety, shall go into immediate effect and shall not be subject to a referendum."

ADMINISTRATIVE DEPARTMENTS

The following administrative departments are created: department of finance, commerce, highways and public works, agriculture, health, industrial relations, education and public welfare. The director of each department is appointed by the governor, by and with the advice and consent of the senate, and holds office during the pleasure of the governor. The bill creates bureaus within the several departments, but provides that the director of the department shall have authority to consolidate any two or more of the bureaus created in his department, reduce the number of or create new divisions therein.

The qualifications for directors are meager. The director of commerce and superintendent of insurance must not have any official connection with an insurance company, and the chief of the division of examination and licensing in the department of education shall not be affiliated with any college or school of medicine or of pharmacy, dentistry, nursing, optometry, and embalming, either as teacher, officer or stockholder; the superintendent of highways must be a civil engineer of at least five years' experience in construction and maintenance of highways; the director of agriculture must be a person actively identified with agriculture; and the director of health must be a physician skilled in sanitary science. The bill fixes the salaries of directors at $6,500 and the salaries of bureau heads range from $2,500 to $5,000.

DEPARTMENT OF FINANCE

The department of finance is given full power to exercise control over the financial transactions of all state departments and is charged with the responsibility of the preparation of the budget. A superintendent of budget is provided for in this department and a central purchasing department is established here under a superintendent of purchases and printing. The tax commission is made a part of the department of finance for administrative purposes; the director of finance is *ex-officio* secretary of the commission and the tax commission has supervision and control over such employes as the governor may designate.

DEPARTMENT OF COMMERCE

The activities of the inspector of building and loan associations, the state fire marshall, the superintendent of insurance, the commissioner of securities and the superintendent of banks are co-ordinated into a department of commerce. The superintendent of banks, however, is to be appointed by the governor instead of by the director of commerce. The public utilities commission is also made a part of this department for administrative purposes.

DEPARTMENT OF HIGHWAYS AND PUBLIC WORKS

The department of highways and public works is composed of a superintendent of highways and public works who acts as director of the department, a state architect and engineer, and a state highway engineer. This department has supervision over the construction and maintenance of all public buildings and public works. The management of buildings of educational institutions and the property and supplies under the control of the adjutant-general are not subject to the jurisdiction of this department.

DEPARTMENT OF HEALTH

The administrative code makes the commissioner of health a direct appointee of the governor instead of being appointed by the public health council. The registration of vital statistics was transferred from the office of secretary of state to the health department. The public health council is retained for the purpose of passing rules and regulations relating to health matters.

DEPARTMENT OF INDUSTRIAL RELATIONS

This department is given control over the administrative work now performed by the industrial commission, but the industrial commission is to be retained and exercise certain powers and duties specified in the law.

DEPARTMENT OF EDUCATION

This department is headed by a director appointed by the governor, and in addition the following boards and commissions are attached to the department for administrative purposes: the state board of accountancy, medical board, nurses' examining committee, board of optometry, board of pharmacy, dental board and board of embalming examiners, will continue to exercise their functions as heretofore with the provision that they may delegate any powers or duties now exercised to the department of education, and the department is required to recommend standards as to preliminary education, methods of conducting examinations and methods of enforcing the laws.

An advisory board of three members appointed by the governor is attached to the department of education to be known as the advisory board of film censorship.

A state board of vocational education is established in the department of education to be composed of the directors of education, commerce, agriculture, industrial relations and finance.

The director of education shall be *ex-officio* member of the board of trustees of the two normal schools and the Ohio State University with power to speak but not to vote therein. He is also member of the Ohio Archaeological and Historical Society.

A state library board is also created in the department of education to be composed of the director of education as chairman and four other members appointed by the governor.

DEPARTMENT OF WELFARE

This department takes over the duties now exercised by the Ohio board of administration, board of state charities, and the board of clemency. A board of pardon and parole is provided for within this department consisting of the superintendent of pardon and parole and two other persons within the department who shall be designated by the director of public welfare. For administrative purposes, the Ohio commission for the blind is made a part of the department of public welfare.

CIVIL SERVICE

Each department is empowered to employ, subject to the civil service laws, the necessary employes and to fix their compensation. Each officer and employe in the classified civil service at the time this act takes effect shall be assigned to a position in the proper department created by the act.

CITY MANAGER MOVEMENT

THE LIST OF CITY MANAGER MUNICIPALITIES

BY HARRISON GRAY OTIS

In the REVIEW for April, 1920, was published a list of all municipalities in this country and Canada that were reported to be operating under, or pledged to, some variety of the city-manager plan. The total number was recorded as 181, of which 177 were in the United States. In turn, 113 of the 177 were duly reported to have established the plan by adopting charter or charter amendments in accord with the generally accepted standards of commission-manager government; 9 to have secured modified manager government by the same methods, and 55 to have created the office of manager by local ordinance only. These figures, in the main, have proved to be correct, for that time. Corresponding figures compiled on the first of May, 1921, show a total of 229,—6 in Canada and 223 in the States. Of the 223, 152 are considered standard, 7 modified charter and 64 ordinance-created. The total net gain appears to be 42, or better than 23 per cent. Here is a chance for prognosticators to compute the time it will require for the manager plan to spread to all of our cities.

There is a fair chance that within the next twelve months, the city-manager plan will outstrip the older commission form. Already some forty cities have advanced from the commission class to the manager list. Perhaps equally interesting is the action taken by several cities in adopting standard commission-manager charters after experimenting with the ordinance-made plan. Among the recent converts to "whole-way" methods are Staunton, Virginia, the patriarch of the manager clan, which employed a general manager by ordinance from January, 1908, to September, 1920, when a modern charter was adopted; Glendale, California, after seven years of the ordinance plan; Alliance, Nebraska and West Hartford, Connecticut, whose citizens required less than a year to learn that the manager plan by ordinance is good, but not good enough.

The following list has been compiled for publication in the seventh yearbook of the City Managers' Association. In the column headed "Plan," the letter "C" indicates that the manager plan has been adopted by charter, charter amendment or state optional law by referendum; "C—" implies that some of the usual features of the plan are lacking; while "o" stands for "ordinance only." Additions and corrections to this list will be deeply appreciated.

CITY-MANAGER MUNICIPALITIES

Corrected to May 25, 1921

State	City	1920 Population	Plan	In Effect	Manager
Arizona	Phoenix	29,053	C	Apr., 1914	V. A. Thompson
Arkansas	Bentonville	2,313	o	Sept., 1915	Frank P. Harris
	Monticello	2,378	o	Jan., 1918	C. C. Remley
California	Alameda	28,806	C	May, 1917	Charles E. Hewes
	Alhambra	9,096	C—	July, 1915	Grant M. Lorraine
	Anaheim	5,526	o	Nov., 1919	O. E. Steward
	Avalon	586	o	Sept., 1919	A. B. Waddingham
	Bakersfield	18,638	C	Apr., 1915	F. S. Benson
	Coronado	3,289	o	Jan., 1920	G. F. Hyatt
	Fillmore	1,298	o	Oct., 1918	C. Arrasmith
	Glendale	13,536	C	July, 1921	T. W. Watson
			(o	May, 1914)	
	Long Beach	55,593	C	July, 1921	
	Martinez	3,858	o	Mar., 1920	B. A. Green
	Pasadena	45,334	C	May, 1921	C. W. Koiner
	Paso Robles	1,919	o	Apr., 1918	William Ryan
	Pittsburg	4,715	o	Sept., 1919	R. M. Dorton
	Redding	2,912	o	Oct., 1918	E. A. Rolison
	Richmond	16,843	o	July, 1920	J. A. McVittie
	Sacramento	65,857	C	July, 1921	Clyde L. Seavy
	San Diego	74,683	o	May, 1915	F. A. Rhodes
	San Jose	39,604	C	July, 1916	C. B. Goodwin
	Santa Barbara	19,441	C	Jan., 1918	Fred. L. Johnston
	So. Pasadena	7,648	o	Mar., 1920	R. V. Orbison
Colorado	Boulder	10,989	C	Jan., 1918	Scott Mitchell
	Colorado Springs	29,572	C	Apr., 1921	
	Durango	4,416	C	Mar., 1915	W. H. Wigglesworth
	Montrose	3,581	C	Feb., 1914	J. E. McDaniel (act'g.)
Connecticut	W. Hartford	8,854	C	Apr., 1921	B. I. Miller
			(o	July, 1919)	
Florida	Largo	599	o	June, 1919	W. H. Turner
	New Smyrna	2,007	C	Jan., 1921	W. R. Patton
	Ocala	4,914	C	Feb., 1918	L. B. M. Kenzie
	Punta Gorda	1,295	C	July, 1921	
	St. Augustine	6,192	C	July, 1915	Eugene Masters
	Sanford	5,588	C	Jan., 1920	C. J. Ryan
	Tallahassee	5,637	C	Feb., 1920	J. W. Greer
	Tampa	51,252	C	Jan., 1921	A. W. D. Hall
	W. Palm Beach	8,659	C	Dec., 1919	Karl Riddle
Georgia	Brunswick	14,413	C	Jan., 1921	W. N. Gramling
	Cartersville	4,350	C—	Aug., 1917	Abram Cook
	Decatur	6,150	C	Jan., 1921	P. P. Pilcher
	Griffin	8,240	C	Dec., 1918	E. P. Bridges
	Rome	13,252	C	Apr., 1919	Sam S. King
	Tifton	3,000	C	Jan., 1921	W. T. Hargrett
Illinois	Glencoe	3,295	o	Jan., 1914	H. H. Sherer
	Kenilworth	1,188	o	Sept., 1920	F. L. Streed
	Wilmette	7,814	o	Oct., 1918	C. C. Schultz
	Winnetka	6,694	o	Jan., 1915	H. L. Woolhiser
Iowa	Clarinda	4,511	o	Apr., 1913	Henry Traxler
	Dubuque	39,141	C	June, 1920	O. E. Carr
	Estherville	4,699	o	May, 1919	F. G. Connelly
	Iowa Falls	3,954	o	May, 1914	J. O. Gregg
	Manchester	3,111	o	May, 1916	Thomas Wilson
	Maquoketa	3,626	o	June, 1920	Guy O. Morse
	Mt. Pleasant	3,987	o	Apr., 1916	T. W. McMillan
	Villisca	2,111	o	May, 1919	W. J. Oviatt
	Webster City	5,657	C	Oct., 1916	G. J. Long
	West Liberty	1,834	o	Apr., 1920	C. J. Mackey
Kansas	Atchison	12,630	C	Apr., 1921	Bert C. Wells
	Belleville	2,500	C	Apr., 1921	W. M. Slopansky
	El Dorado	10,995	C	July, 1917	J. E. Caton
	Hays	3,165	C	May, 1919	A. W. Seng
	Kinsley	1,885	C	Apr., 1922	
	McCracken	491	C	May, 1919	L. L. Ryan
	Salina	15,085	C	Apr., 1921	Fred W. Sefton
	Stockton	1,324	C	Apr., 1921	
	Wichita	72,217	C	Apr., 1917	Earl C. Elliott
	Winfield	7,933	C	Apr., 1921	W. J. Welfelt
Kentucky	Cynthiana	3,857	o	Dec., 1915	J. J. Curle
	Harrodsburg	3,765	o	Jan., 1921	L. M. VanArsdale
Louisanna	Crowley	6,108	o	Sept., 1920	J. O. Herpin
Maine	Auburn	16,985	C	Jan., 1918	H. J. Cook
Massachusetts	Mansfield	6,255	C	Feb., 1921	E. R. Conant
	Middleboro	8,543	C	Feb., 1921	Harry J. Goodale
	Norwood	12,627	C—	Jan., 1915	Wm. P. Hammersley
	Waltham	30,891	C	Jan., 1918	Henry F. Beal
Michigan	Albion	8,354	C	Jan., 1918	E. J. Mallory
	Alma	7,542	C	May, 1919	W. E. Reynolds

CITY-MANAGER MUNICIPALITIES

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State	City	1920 Population	Plan	In Effect	Manager
Michigan	Alpena	11,101	C	Apr., 1916	W. E. Baumgardner
	Bay City	47,554	C	Apr., 1921	H. W. Stickle
	Big Rapids	4,558	C	Apr., 1914	Dan. H. Vincent
	Birmingham	3,694	C	Apr., 1918	Wm. H. Brown
	Cadillac	9,734	C	Mar., 1914	Geo. Johnston
	Crystal Falls	3,394	C	Apr., 1918	J. H. Sanders
	Eaton Rapids	2,379	o	Oct., 1913	P. T. Mitchell
	Grand Haven	7,224	C	Apr., 1915	Paul R. Taylor
	Grand Rapids	137,634	C	Mar., 1917	Fred H. Locke
	Grosse Pte. Shores	400	C	June, 1916	Clyde Hum
	Jackson	48,374	C	Jan., 1915	Edward C. Meyfarth
	Kalamazoo	48,487	C	June, 1918	Harry H. Freeman
	Lapeer	4,723	C	May, 1919	Charles Hubbard
	Manistee	9,690	C	May, 1914	John Shields (acting)
	Mt. Pleasant	4,819	C	Mar., 1921	Carl H. Peterson
	Muskegon	36,570	C	Jan., 1920	I. R. Ellison
	Otsego	3,168	C	May, 1918	O. G. Bacon
	Petoskey	5,064	C	Apr., 1916	J. Frank Quinn
	Plymouth	2,857	C	Dec., 1917	Sidney D. Strong
	Pontiac	34,273	C	Nov., 1920	Irving C. Brower
	Portland	1,899	C	Jan., 1919	F. L. Jenkins
	Royal Oak	6,007	C	May, 1918	P.H. Beauvais
	St. Johns	3,925	C—	Aug., 1918	T. H. Townsend
	Sault Ste. Marie	12,096	C	Dec., 1917	Henry A. Sherman
	Sturgis	5,995	C	Apr., 1921	Ralph D. Ballew
	Three Rivers	5,209	C	Apr., 1918	O. O. Johnson
	Vicksburg	1,946	o	Oct., 1920	Thomas E. Cloney
Minnesota	Anoka	4,287	C—	Apr., 1914	Henry Lee
	Morris	2,320	C—	Jan., 1914	Frank J. Haight
	Pipestone	3,325	o	May, 1917	V. H. Sprague
Missouri	Maryville	4,711	o	Apr., 1919	F. P. Robinson
Montana	Columbus	987	o	Nov., 1918	Harry P. Schug
	Glasgow	2,059	o	July, 1916	Harvey Booth
	Scobey	1,170	o	Jan., 1920	Roy N. Stewart
Nebraska	Alliance	4,591	C	Apr., 1912	N. A. Kemmish
			(o	Aug., 1919)	
New Mexico	Albuquerque	15,157	C	Jan., 1918	James N. Gladding
	Clovis	4,904	o	June, 1919	Oscar Dobbs
	Roswell	7,062	o	May, 1914	Clyde Fulton
New York	Auburn	36,142	C	Jan., 1920	John P. Jaeckel
	Newburgh	30,272	C	Jan., 1916	W. J. McKay
	Niagara Falls	50,760	C	Jan., 1916	Edwin J. Fort
	Sherrill	1,761	C	June, 1916	S. E. Northway
	Watertown	31,263	C	Jan., 1920	C. A. Bingham
	Watervliet	16,073	o	Jan., 1920	Henry E. Gabriels
North Carolina	Durham	21,719	C	May, 1921	H. W. Kueffner
	Elizabeth City	8,925	C	Apr., 1915	J. C. Commander
	Gastonia	12,871	C	Aug., 1919	W. J. Alexander
	Goldsboro	11,296	C	July, 1917	W. M. Rich
	Greensboro	19,746	C	May, 1921	
	Hendersonville	3,720	o	July, 1920	G. W. Brooks
	Hickory	5,076	C	May, 1913	R. G. Henry
	High Point	11,302	C	May, 1915	R. L. Pickett
	Morehead City	2,958	o	June, 1916	John S. Bennett
	Morganton	2,867	C	May, 1913	R. C. Claywell
	Thomasville	5,676	o	May, 1915	T. F. Harris
Ohio	Akron	208,435	C	Jan., 1920	W. J. Laub
	Ashtabula	32,082	C	Jan., 1916	M. H. Turner
	Dayton	152,559	C	Jan., 1914	Wm. C. Barber
	E. Cleveland	27,292	C	Jan., 1918	C. M. Osborn
	Gallipolis	6,070	C	Jan., 1918	Edward E. Myers
	Lima	41,306	C	Jan., 1922	
	Middletown	23,594	o	Jan., 1921	Kenyon Riddle
	Painesville	6,886	C	Jan., 1920	T. B. Wyman
	Sandusky	22,897	C	Jan., 1916	Geo. M. Zimmerman
	S. Charleston	1,267	C	Jan., 1918	P. H. Cheney
	Springfield	60,840	C	Jan., 1914	Edgar E. Parsons
	Westerville	2,480	C	Jan., 1918	R. W. Orebaugh
	Xenia	9,110	C	Jan., 1918	T. H. Zell (act'g.)
Oklahoma	Ardmore	14,181	C	May, 1921	
	Cherokee	2,017	C	Oct., 1920	John D. Bomford
	Coalgate	3,009	C	July, 1914	J. W. Carter
	Collinsville	3,801	C	Feb., 1914	H. P. Hampton
	Duncan	3,463	C	Nov., 1920	J. F. Ewell
	Erick	971	o	June, 1920	J. A. Richardson
	Lawton	8,930	C	Apr., 1921	
	Madill	2,717	C	Nov., 1917	Burr Wright
	Mangum	3,405	C	Nov., 1914	R. B. Snell
	McAlester	12,095	C	Nov., 1919	E. M. Fry

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State	City	1920 Population	Plan	In Effect	Manager
Oklahoma	Muskogee	30,277	C	Apr., 1920	R. P. Harrison
	Norman	5,004	C	Sept., 1919	W. R. Gater
	Nowata	4,471	C	May, 1920	Jas. C. Manning
	Pawhuska	6,414	C	Apr., 1921	R. L. Plunkett
	Ponca City	7,051	o	Feb., 1921	Hugh Johnson
	Sallisaw	2,255	C	Nov., 1919	Fred E. Johnston
	Walters	3,032	C	Sept., 1919	W. B. Anthony
	Weatherford	1,929	o	Aug., 1917	G. A. Critchfield
Oregon	LaGrande	6,913	C	Oct., 1913	George Garrett
Pennsylvania	Altoona	60,331	o	Jan., 1918	H. Gordon Hinkle
	Carlisle	10,916	o	May, 1921	H. D. Herbert
	Edgeworth	1,373	o	Jan., 1914	Robert Lloyd
	Jersey Shore	6,103	o	Feb., 1921	C. C. Thurman
	Mifflinburg	1,744	o	Jan., 1919	W. D. Kochersperger
	Osborne	358	o	Jan., 1921	Robert Lloyd
	Sewickley	4,955	o	Oct., 1918	John C. Hiteshew
	Towanda	4,260	o	Apr., 1918	W. T. Howie
South Carolina	Beaufort	2,831	C	May, 1915	John Collier
			(o	Jan., 1915)	
	Rock Hill	8,809	C	Feb., 1915	W. P. Goodman
	Sumter	9,508	C	Jan., 1913	S. O'Quinn
South Dakota	Clark	1,392	o	May, 1912	J. E. Smith
	Rapid City	5,777	C	May, 1921	
Tennessee	Alcoa	3,358	C	July, 1919	V. J. Hultquist
	Kingsport	5,692	C	Mar., 1917	L. Herbert Kidd
	Murfreesboro	5,367	C	Oct., 1920	R. E. Lowe
	Nashville	118,342	C	Apr., 1921	Felix Z. Wilson
Texas	Amarillo	15,494	C	Dec., 1913	J. G. Colby
	Beaumont	40,422	C	Apr., 1920	Geo. J. Roark
	Brownsville	11,791	C	Jan., 1915	George Grupe
	Bryan	6,295	C	May, 1917	E. E. McAdams
	Denton	7,626	C	Apr., 1914	H. V. Hennen
	Eastland	9,368	C	Jan., 1919	Walter Lander
	Electra	4,744	o	May, 1919	E. D. Kelley
	Lubbock	4,051	C	Dec., 1917	Martin S. Ruby
	Lufkin	4,878	C	Apr., 1918	J. O. Booker
	Ranger	16,295	C	May, 1919	John M. Gholson
	San Angelo	10,060	C	June, 1916	R. H. Henderson
	Sherman	15,031	C	Apr., 1915	O. J. S. Ellingson
	Stamford	3,704	C	Mar., 1918	Homer D. Wade
	Taylor	5,965	C	Apr., 1914	A. V. Hyde
	Teague	3,306	o	Jan., 1915	C. E. Johnson
	Terrell	8,349	C	Aug., 1919	
	Tyler	12,085	C	Apr., 1915	Henry J. Graeser
	Yoakum	6,184	C	Apr., 1915	J. V. Lucas
Utah	Brigham City	5,282	o	Feb., 1918	C. O. Roskelley
Vermont	St. Albans	7,582	C	Mar., 1921	A. B. Edwards
	Springfield	5,283	o	Apr., 1920	John B. Wright
Virginia	Bedford	3,243	o	Apr., 1920	C. T. Venable
	Blackstone	1,381	C	June, 1914	R. B. Stone
	Bristol	6,729	C	Sept., 1919	R. W. Rigsby
	Charlottesville	10,688	o	Aug., 1913	Walter Washabaugh
	Farmville	2,583	o	Sept., 1915	Leslie Fogus
	Fredericksburg	5,882	o	Sept., 1912	L. J. Houston, Jr.
	Hampton	6,138	C	Sept., 1920	Geo. L. Rinkliff
	Lynchburg	29,956	C	Sept., 1920	E. A. Beck
	Newport News	35,596	C	Oct., 1920	L. G. Thom
	Norfolk	115,777	C	Sept., 1918	Chas. E. Ashburner
	Petersburg	31,002	C	Sept., 1920	Louis Brownlow
	Portsmouth	54,387	C	Jan., 1917	J. P. Jervey
	Radford	4,627	C	Sept., 1920	Paul J. B. Murphy
	Roanoke	50,842	C	Sept., 1918	W. P. Hunter
	Staunton	10,617	C	Sept., 1920	S. D. Holsinger
			(o	Jan., 1908)	
	Suffolk	9,123	C	Sept., 1919	R. H. Brinkley
	Warrenton	1,545	o	Mar., 1920	J. W. Shirley
	Winchester	6,883	o	May, 1916	Thos. J. Trier
West Virginia	Charleston	39,608	C–	May, 1915	Bonner H. Hill
	Clarksburg	27,869	C	Apr., 1921	John Ruhl (act'g.)
	Wheeling	54,322	C	July, 1917	Chas. O. Ephlin
Canada:					
New Brunswick	Woodstock	3,856	o	June, 1919	R. F. Armstrong
Ontario	Chatham	10,770	C	Dec., 1921	
Prov. Quebec	Grand'Mere	9,000	C	Mar., 1920	Henry Ortiz
	La Tuque	6,000	C	Mar., 1921	D. Hardy
	Shawinigan Falls	5,000	C	Mar., 1921	J. H. Valiquette
	Westmount	14,579	C	Apr., 1913	Geo. W. Thompson

DEPARTMENT OF PUBLICATIONS

I. BOOK REVIEWS

Principles of Government Accounting and Reporting. By Francis Oakey, C. P. A. New York: D. Appleton and Company, 1921. Pp. xxvii and 561.

This important contribution on the subject of governmental accounting and reporting is issued in the series of books on the principles of administration published by the Institute for Government Research. It is written by a man who has had broad experience in the accounting problems of municipal and state governments, as well as the federal government. It is a fundamental and, at the same time, a practical treatment of the subject. Besides, it is the best treatise so far written on the recording and reporting of governmental businesses. For these reasons, it deserves to be widely read. It is valuable not only to governmental accounting officers, but to executives as well. Its style and arrangement are such that it should interest members of city councils and state legislatures and the public in general.

The whole subject of accounting is handled from the viewpoint of reporting. The author defines accounting as "the science of producing promptly and presenting clearly the facts relating to financial conditions and operations that are required as a basis of management." In other words, the prime purpose of all governmental accounts and records is to produce information to aid the administrative officers in carrying on the work of government. The titles of a few of the twenty-eight chapters in the book are as follows: Funds and methods of funding; information needed regarding the financial condition of funds; detailed statements of the operations of funds; appropriations and information needed regarding their financial condition; information needed regarding financial condition of the government as a whole; the balance sheet; the surplus account; information needed regarding receipts; information needed regarding fixed property; information needed regarding stores; and information needed regarding funded debt and sinking funds.

One of the fundamental principles, perhaps the most important one, upon which the book is based, is the elimination of the capital balance sheet. It is shown (p. 233) that, following a well-established commercial practice, the values of permanent properties have been included in a number of governmental balance sheets. The use of the capital balance sheet in governmental accounting, which is defined as the "comparison of the book values of permanent properties with the amount of outstanding bonded debt," it is maintained (p. 235) is "purposeless and meaningless." Cogent arguments are advanced in support of this position.

There are a few inconsistencies in the book which may be pointed out, not in any spirit of criticism of the excellency of the work as a whole, but rather because it has become more or less customary among reviewers, perhaps, to give proof that they have actually read the book! On page 33 the author states he avoids the use of the terms "general" and "special" as applied to funds because they are inexplicit, but later (*e.g.*, pp. 44–46) he makes repeated use of these terms. In the classification of appropriations, on page 163, it would appear from the table that "revenue," "indefinite" and "determinate" appropriations are kinds of "definite recurrent" appropriations rather than classes of appropriations just as "definite current" and "definite recurrent" are. In making up this classification of appropriations, the author has apparently overlooked a sixth class of appropriations which may be called *contingent* appropriations. An example of such a class of appropriations is where a state legislature makes an appropriation to construct a bridge over a river that forms the boundary line with another state, the expenditure of which is contingent upon the legislature of the adjoining state appropriating an equal amount for the same purpose. On page 165, where the class of appropriations used in Wisconsin is referred to, the term "continuous" should read *continuing*.

The object classification of expenditures recommended on page 383 is open to rather serious criticisms. In recommending this classification, the author does not seem to have exercised his usual good judgment. It is verbatim a copy of the one used by Virginia, which was copied largely from the Ohio classification. One of the main classes of this classification is "fixed charges, state grants and contributions." In the first place, "fixed charges" is regarded by the author as belonging to character rather than object classification (p. 338). In the second place, "payment of state debt" is placed under this class, which is regarded as capital outlays (p. 373). In the third place, "rent" and "insurance" are included under this class which are not "fixed charges," but current expenses (p. 372). There is another main class called "extraordinary expense," a title which is not only indefinite in meaning, but has no place in an object classification. "Supplies" and "materials" form separate classes in this classification, a distinction which is not a valid one since frequently materials become supplies through use. Another one of the main classes is "contractual services" (in the table on the page opposite it is called "services other than personal"), a term which is more or less confusing. It would seem better to break this class up into some four main groups; such as, communication and transportation; subsistence, care and support; printing, binding and advertising; and heat, light, power and water.

A. E. Buck.

⁂

American Political Ideas. Charles Edward Merriam. New York: The Macmillan Company. 1920. Pp. 481.

The period of American history which Professor Merriam covers in this book is from the Civil War to the entrance of the United States in the war with Germany. By contrast it seems to be a period of calm, both external and internal, as well as a period of great industrial development. It naturally follows that the political ideas developed would be influenced by the economic development.

Professor Merriam observes a tendency toward centralization in government as perhaps the most significant feature of the period. He calls attention to the protest against such issues as the initiative and referendum and the recall of judicial decisions at the time of the schism in the Republican party. He traces the protest against the evils of the convention plan and nominating system which began as early as the '60s and '70s.

The book is comprehensive and scholarly. His references are so copious that they make an excellent working bibliography.

One of the later chapters is entitled "Systematic Studies in Politics." It follows the development of the scientific study of politics both by organizations, individuals, societies and universities. Political ideas developed through the poetry and fiction of the period is included in the chapter on "Political Ideas in American Literature."

The author says in the preface that the purpose is "to trace the broad currents of American political thought in their relation to the social, economic and political tendencies of the time."

This volume by Professor Merriam follows chronologically his earlier one entitled "A History of American Political Theories," published in 1903. It dealt with the development of political thought down to the Civil War.

L. H.

II. REVIEWS OF REPORTS

The Board of Control of the State of Vermont has just issued a special report to the Vermont legislature in compliance with a resolution to investigate the finances and business methods of the state.

The report consists largely of financial tables and charts, setting forth the costs of the various state activities over a period of years. Table A is a comparative statement of the total state expenditures for the period 1901 to 1920. Expenditures are classified into thirteen main groups, as follows: highways, education, institutions, agriculture, health, conservation, general administration, legislature, judiciary, military purposes, debt service, extraordinary purposes and miscellaneous purposes. This information is also shown graphically in a series of five charts.

The conclusion reached from this analysis is that there has been a rapid increase in the expenditures of the state, which is mainly due to an extension of state activities, increased cost of labor and supplies, and lack of effective budget and accounting control. Expenditures for highways are ten times what they were twenty years ago and four times what they were ten years ago. Expenditures for education have doubled in the last ten years. Public health expenditures are six times what they were in 1901. New activities which have been undertaken have been conservation of forests and wild life, regulation of banks and insurance, public utilities and administration of workmen's compensation. With the population practically at a standstill for the last twenty years, the per capita cost of state government has risen from $2.60 to $11.60.

In discussing the method of collecting and disbursing state funds, the report describes the improvements which have been made in the last two years in establishing a central accounting control over all state funds in the auditor's office. Annual examinations of the treasurer's and auditor's books are now made by competent accountants employed by the governor. The report recommends that a similar central control should be exercised over the revenue of the state by the auditor's office. At the present time, each department provides its own ways and means of collecting and checking the revenue and there is no standard method of central supervision for the collection of this revenue, which amounts to about three million dollars per year. Due to the practice of providing continuing appropriations and to special laws which appropriate revenue received to the departments which collect it, there is no budgetary control over about one-third of the annual revenue of the state. This money is expended without direct appropriation being made by the legislature and recommendation is made that this practice be discontinued, that all revenues collected be turned over promptly to the general fund, and that the legislature make appropriations for every governmental activity.

In conclusion some recommendations are made distinctly reactionary in character and so recognized by the board. The board points out that one method of decreasing the cost of government is to eliminate many of the activities which are now performed by the state. The repeal of all laws that support activities tending to stimulate and develop forestry, agriculture, or designed to regulate various lines of business, is suggested. Reduction in the appropriation for highways, return to the old public health system and reversion to the old system of obliging the towns to care for their own unfortunates, is suggested.

The report as a whole deals very largely with matters of finance and contains very little information which will be of value to students of state government, either in Vermont or in other states.

D. C. Sowers.

Public Welfare Administration in Marion County, Indiana.—Marion County, Indiana, in which is situated the city of Indianapolis, is suffering from the ills which follow the attempt to manage a considerable portion of the affairs of a large urban community through the conventional institutions of county government. During the year 1920, the county commissioners caused to be made a survey of the county charitable and correctional institutions and the system of poor relief. The investigation was made by Henry C. Wright, Director of the Hospital and Institutional Bureau of Consultation, of New York City. The institutions under investigation, and concerning which a report with accompanying recommendations was made, include the county jail, the asylum for the insane, the asylum for the poor, the detention home for children and the tuberculosis hospital, as well as the system of outdoor relief.

Aside from the evils due to overcrowding in the several institutions, the most serious criticisms in the report are directed to the disposition of the insane and the administration of relief to the poor. A serious condition disclosed is that, because both the state and county asylums are crowded to capacity, within a period of two years no less than two hundred and forty-six persons suspected to be or adjudged to be insane have been incarcerated in the county jail. Though charged with no crime, these persons were confined in the jail an average period of nineteen days each.

The report recommends that at once a psychopathic service be established in connection with the state hospital in Indianapolis for the observation of cases, that the county asylum be closed and that all insane persons be committed to state institutions. It is recommended that legislation be secured forbidding the confinement of the insane in any institution except state insane asylums. This, it is believed, would remedy conditions, not only in Marion county, but elsewhere throughout the state where many insane are retained in the poorhouses. Such action would force the state to furnish the larger accommodations for those thus afflicted, which are already badly needed.

In Indiana, indoor relief is administered by the county commissioners, while outdoor relief is dispensed by the township trustee, though there is some interdependence between these authorities. In Marion county, as elsewhere through the state, especially in the cities, this system seems to have been loosely administered and subject to serious abuses. This is especially charged in the case of the relief furnished by the trustees. It appears from an examination of the records that no recognized basis exists on which relief is given, nor do the records show the circumstances under which relief was granted, why it was discontinued, nor is it practicable, since the case books are not indexed, to know how frequently relief is extended to the same beneficiaries. Moreover, there seems to be no coordination of work with the activities of private agencies of relief.

The conclusion is drawn "That the machinery which was adequate for a small community has been outgrown, and is not now meeting the needs. The growth of population has so complicated matters that new and better adapted machinery is imperative, if both the material and social needs are to be properly handled."

The final recommendation of the investigator is summed up as follows: "The obviously low standard of poor relief as administered in a township trustee's office, and the hampering of the work of the county commissioners due to the social problems which they must deal with, raises the question whether it would not produce better results to create a new board as an agent of the commission, whose functions it would be to administer the institutions now under their care, and to take over all of the 'overseer of the poor' work of the township trustees."

Frank G. Bates.

Indiana University.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Reclassification of Federal Employes.—There is every reason to believe that some definite action is finally to be taken in the matter of reclassifying the positions and standardizing the salaries of the federal employes. Three measures are now actively competing for congressional favor. It is safe to predict that one of them will be written into law.

The first is the bill included in the report of the joint congressional commission on the reclassification of salaries that was originally introduced in April, 1920, by Senator Jones (N. M.), the chairman of the commission. This bill not alone classifies positions according to duties, and sets up standard salary rates, but it also seeks to standardize hours, leaves and other working conditions that are now generally considered by intelligent workers of all classes as constituting an essential part of compensation.

The second competitor or pair of competitors are the measures introduced by Representative Lehlbach in the House and later in a more simplified form by Senator Sterling in the Senate. These are avowedly based on the Jones' bill, both as to the classification and the salary scales. They undoubtedly mark a step in advance over the latter so far as these matters are concerned, because the classification is greatly condensed by a grouping of related services and a material reduction in the number of classes. This will greatly facilitate the making of appropriations and later administration. The two bills take cognizance, however, of little else than classification and salary rates, evidently on the assumption that it is possible to standardize compensation without standardizing hours and certain other working conditions. Such standardization complicates, but it is unquestionably necessary in real salary standardization.

The third and last measure is fathered by Senator Smoot and Representative Wood. It is very simple. It reduces the 1,700 classes described in the Jones' bill to eighteen grades, or salary ranges. Steam fitters, dictaphone operators, tax examiners, librarians ("performing library work of an intermediate grade") and clerks ("performing clerical work in connection with personnel administration") are a few of the many classes put into a single grade and without proper definition of the terms used. This is obviously not even the skeleton of a classification.

The measures differ in another important respect in that the supervising and administering agency in the reclassification commission's bill, and that introduced by Senator Sterling, is to be the civil service commission; in the Lehlbach bill, it is the secretary of the treasury; and in the Smoot-Wood bill, it is the bureau of efficiency.

Finally, all the measures apply to the whole federal service except the Jones' bill, which limits its provisions to the federal employes in Washington in accordance with the act creating the reclassification commission.

W. E. Mosher.

*

The Status of Reclassification in Philadelphia.—Last October the Philadelphia civil service commission presented a report to council reclassifying the civil service and standardizing pay. To carry out the recommendations would have added about $1,800,000 to the payroll, and the mayor insisted that the revenue was insufficient to meet the increase. At the beginning of the new year the controller reported a surplus from last year's operation more than sufficient to put the standard rates of pay into effect. But instead of installing the commission's report, council has begun hearings on requests for increases from different groups of employes or departmental officials and, in spite of protests from a minority, expects to act on the results of the hearing. This will mean haphazard and piecemeal wage adjustments which will postpone final solution of the difficulties to the detriment of the public service.

Indications are that essential wage readjustments in the federal service will likewise fail for the moment. The business leaders of the country will not welcome wage increases for public servants at a time when the effort in private industry is in the opposite direction.

*

Charter Revision Commission for New York City.—Appointment of a commission to revise the New York city charter, which hung in the balance for several months during the legislative session, is at last assured. In spite of the importance of this step, passage of the act creating the commission received but little attention, since it had become so identified with the resolution authorizing a joint legislative committee to investigate the administration of the city and county offices, that its ultimate fate depended entirely upon the success of the latter measure.

The charter revision act provides for a commission composed of fifteen residents of New York city, to be appointed by the governor within thirty days after November 1, 1921, the date when the act takes effect. Provision is made for the appointment to the commission of the mayor, comptroller, one of the borough presidents and an alderman, who are to serve only during incumbency of their several offices.

The commission is directed to draft and submit to the legislature with its final report a new charter, and, within its discretion, to prepare an administrative code or other body of supplementary local law. Broad powers of access and inquiry, including compulsory process, are granted the commission, which must report its recommendations not later than the legislative session of 1923.

⁂

Proposed Illinois Housing Code.—Senator Cornwall has introduced a state housing code into the Illinois legislature. The city club of Chicago provided a forum for the presentation of the pros and cons of the proposed code.

Senator Cornwall, who is a member of the Illinois housing and building commission, maintains that the code, drawn along the lines of Lawrence Veiller's model code, though omitting some features that would not pass the legislature, is a distinct step in advance, and probably the best code which can be secured at this time.

Chief Sanitary Inspector Charles B. Ball believes that the proposed code embodies dangerously low standards. He predicts that the provisions for ventilation and open spaces, which would permit a one-story building, whatever its height, to cover the rear lot up to ten feet from the rear wall of the dwelling, will result in overcrowding, with its accompanying industrial inefficiency, dependency, poverty, disease, death, juvenile delinquency, vice, crime and degeneracy of race.

It is the old conflict between the high standards, which those who have a right to speak believe *ought* to be adopted, and the low standards, which those who have a vote in the legislatures believe can be enacted into law.

H. J.

⁂

May the Best Plan Win.—Montreal is certain to have a new charter, for on May 16 the electors vote as to whether they will adopt a general manager charter prepared by the charter commission, of which Sir Hormisdas Laporte has been chairman, or whether they will adopt an "aldermanic" charter, the source of which is unknown.

The "general manager" charter provides for a council of nine members elected by proportional representation from one electoral district, and for a period of four years, a mayor chosen from and by the council, and a general manager appointed by and responsible to the council. It also provides for heads of departments appointed by the council on the recommendation of the manager, a civil service commission composed of the heads of departments plus a civic employe chosen by all the municipal employes, a commission of sales and purchase, a city planning and improvement commission and a franchise bureau.

The recall of dishonest councillors is provided for, no further amendments are to be made to the city charter without a referendum of the electors, and there is to be no renewal or granting of public utility franchises without a public referendum. Councillors are prohibited from interfering with the administrative service.

Public and private information from Montreal indicates that the charter commission's charter has small chance of being adopted. However, three "reform" aldermen have put themselves on record as favoring it and as opposed to the alternate charter, "the parentage of which no one will admit." "Opposition apparently comes from former discredited aldermen, from the city contractors, from place hunters and other seekers after municipal favors." The city council itself is on record as in favor of the aldermanic charter by a vote of fourteen to three.

The chief contention is over the manager and proportional representation features.[1]

W. J. Donald.

⁂

Proportional Representation Notes.—West Hartford, Connecticut, a residential suburb of Hartford, has adopted a town-manager form of government with a council of fifteen in place of the old town meeting. The method of electing the council the first time was left by the legislature to the charter commission. The commission prescribed the election of the fifteen from four districts by the single transferable vote or Hare system.—The election was held on April 5.

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[1] The manager charter failed by 16,000 majority in favor of the aldermanic plan.

The committee of the Canadian house of commons, appointed in accordance with a unanimous resolution passed in April, has recently taken testimony on proportional representation with the view to its possible adoption for some or all of the elections of the house.

The committee on proportional representation, appointed by the legislative assembly of Ontario, has reported in favor of trial of the system "in certain constituencies at the next election." It also recommends an amendment to the municipal act, permitting municipalities to elect their councils by P. R.

*

Administration Consolidation Defeated in New York.—Although passed by the senate with only five negative votes, the proposal for a constitutional amendment consolidating New York state departments died in the assembly. It was killed in rules committee, it is understood, by order of the governor. The measure had passed last year, and if passed again at the last session would have been submitted to the people. It would have consolidated the state's administrative activities into twenty-one departments. The governor, lieutenant-governor, controller and attorney-general would have been the only elective state officials.

Governor Miller in his annual message opposed reorganization by constitutional means, preferring the more plastic plan of statutory revision. However his legislative program, which he was eminently successful in putting through, called for no really progressive reorganization scheme. In fact, it was utterly devoid of any conception of a simplified consolidation plan for state activities.

New York State Board of Estimate and Control.—In lieu of the thoroughgoing consolidation amendment, the New York legislature has set up a board of estimate and control. This board will be the budget-making authority with power to revise appropriation requests, and is to supervise all state purchases and printing. It has power to investigate all expenditures and activities of all departments and agencies.

Recommendations based on such surveys must be carried out by the department head concerned, unless there are legal obstacles in the way. The board is also to have control over the spending of lump-sum appropriations.

*

New Jersey Creates State Police.—A bill establishing a state constabulary for New Jersey was passed over the governor's veto in the face of bitter opposition from organized labor. It provides for only two troops of fifty-eight men each. The police are to be employed primarily in protecting the rural sections of the state, and cannot be used as a *posse* in cities having organized police forces except by order of the governor upon request of the city authorities. From labor's standpoint the measure is more liberal than the Pennsylvania system.

*

Home Rule for Pennsylvania Cities.—An amendment to the Pennsylvania constitution, giving home rule by legislative enactment to cities of 10,000 population or over, will be voted on by the people this fall. If adopted, the legislature will be empowered to permit cities to frame and adopt their own charters. Optional governmental laws may be passed applying to cities and boroughs.

*

Zoning.—The Minnesota legislature has passed a law enabling Duluth, Minneapolis, and St. Paul, to adopt zoning ordinances. A survey is now under way in St. Paul, and an ordinance will be presented to the council this fall.

II. GOVERNMENTAL RESEARCH NOTES

The establishment of three new bureaus indicates that the research movement has passed its crisis and is once more growing.

The Public Service Institute, 719 American Bank Building, Kansas City, Missouri, began work officially on April 1, with Mr. Walter Matscheck as director. Mr. Matscheck was formerly with the civic department of the Kansas City Chamber of Commerce, and prior to that with the Dayton Bureau of Research.

Mr. Carl P. Herbert, of the Detroit Bureau of Governmental Research, has been appointed, effective April 1, director of the Bureau of Municipal Research at St. Paul, Minnesota. This bureau has been newly established.

Mr. C. M. Young is director of the new Bureau of Municipal Research, 1125 Fleming Building, Des Moines, Iowa.

The Municipal Research Bureau of Cleveland, under the date of March, 1921, has issued an extended statement upon the finances and financial methods of Cleveland, covering largely the matter of deficits and floating debt and the outlook for financing the current year.

Mr. C. N. Hitchcock, formerly with the Institute for Public Service, has become connected with the Barnes-Aimes Company, 105 Produce Exchange, New York.

The Milwaukee Citizens' Bureau is the new title of the former Milwaukee Citizens' Bureau of Municipal Efficiency. The longer title was discarded when found unwieldy. The bureau is now located at 1318 First Wisconsin Bank Building, with Mr. Harold L. Henderson as director.

The Bureau for Research in Government of the University of Minnesota has issued "A History of the Constitution of Minnesota," by the director, Dr. Wm. Anderson, in collaboration with Dr. A. J. Lobb.

Three of the largest bureaus,—Cleveland, Toronto and Detroit,—are now principally financed by the Community Funds established in their respective cities. The Philadelphia Bureau is considering connection with the Philadelphia Community Fund.

ROBERT T. CRANE.

III. MISCELLANEOUS

The Civic Tour to Europe has been abandoned because of chaotic business conditions at home, in the face of which American business men were reluctant to be away from the United States.

✤

The Southwestern Political Science Association recently held its second annual meeting at Austin, Texas. The principal subjects were state and local taxation, reorganization in state government, Mexican affairs, and training for social service. Professor A. N. Holcombe of Harvard lectured on the state as the agent of the nation.

✤

The Summer School of Community Leadership will hold its seventh annual session at the University of Wisconsin, August 15 to 26. The school is conducted by the American City Bureau, and is specially adapted to the needs of civic workers, secretaries of chambers of commerce, and the like. The enrollment this year is limited to two hundred persons. A similar school will be conducted for the first time on the Pacific Coast for the benefit of those in the far West.

✤

Community Center Conference.—The United States commissioner of education called in Washington during the latter part of April a national conference on the community center. The three-day program covered the use of the public school equipment for voting and organized pre-voting deliberation; the consequent reduction of election costs; the community secretary, that is, the publicly-employed clerk in the house of the people; the co-ordination of the public school and the postal service and its relation to the direct marketing of farm products, and finally the public school community center as the neighborhood agency.

✤

Legislative Program of Pennsylvania Women.—Mrs. Franklin P. Iams, chairman legislative committee of the Pennsylvania State Federation of Women's Clubs, has announced the following program for legislation: Prohibition enforcement act, giving state concurrent power to enforce federal act; a state budget system, with special emphasis on appropriations to non-state institutions; a call for a constitutional convention; legislation that will insure a modern, progressive and comprehensive school system; a children's code commission, to codify and simplify the numerous laws relating to children; adequate provision for reforestation and forest fire prevention; state correctional farms for jail and workhouse prisoners sentenced for more than thirty days, and compensatory employment for prisoners under state-user system; a state housing code; raising of standards of moving pictures; and adequate appropriations for state reformatory for women and village for feeble-minded women, and mothers' assistance fund. The Federation also gave notice that it would oppose all attempts to weaken labor laws for children, women or men. The prohibition enforcement act and the call for a constitutional convention were passed by the late legislature.

H. J.

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VIEWS AND REVIEWS

Statistics concerning the state income tax given out recently by the New York state comptroller show that in the $1,000–$2,000 income class, 321,170 persons paid $1,015,823 in income taxes. In the $1,000,000 and over class, 40 persons paid $8,851,306 as income tax.

*

Blair County, Pennsylvania, reports that it costs only half as much to operate the county jail under the straight salary system as it did under the fee system abolished when the present warden took office. Several years ago the Peoples' Association of Delaware County, Pennsylvania, discovered that the county had spent in one year about $70,000 in a wholly legal manner for which the county received no material benefits or services at all.

*

Baltimore citizens are undertaking a campaign of education throughout Maryland to secure increased representation for the city in the state legislature. They ask for fourteen senators instead of four, and thirty-seven delegates instead of twenty-four.

*

Lack of confidence in the present city government is announced as the reason for the recent defeat of charter amendments authorizing increased tax rates for schools and city departments of St. Paul. The demand for a new charter is increasing.

The women were responsible for the adoption of the city-manager plan in Miami at the election last May. The man's vote showed a majority of 80 against the project, but the women, who cast a total of 1,300 votes, carried the election.

*

A law giving cities the right to zone for building purposes was passed at the recent session of the Michigan legislature. A constitutional amendment providing for excess condemnation was also passed, and will be voted on by the people.

*

Reports from Cleveland state that the city-manager plan has more than a fighting chance in the election which will undoubtedly be held this fall. Dissatisfaction with the present administration, which held some promise at the start, is general. The machines of both political parties will oppose it. The Cleveland *Press* claims that these organizations are raising a big fund to combat city-manager government.

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The public service commission has ordered a return to the five-cent street car fare in Indianapolis, with a two-cent transfer charge. The order expires August 1, and until then the effect of the lower fare on jitney bus competition will be studied. A new routing plan has been worked out, which, it is hoped, will also help solve the jitney problem.

⁂

The Louisiana constitutional convention has adopted the following regarding parochial (county) government:

"The legislature shall provide optional plans for the organization of parochial government, and any parish may change from one plan so prescribed, to another, when authorized by a majority of its electors voting at an election held for such purpose."

While this is not so broad a grant of home rule as that possessed by the counties in California or Maryland, it is well in advance of what other states enjoy.

⁂

Long Beach is the first California city to signal the reaction of popular sentiment against liberal methods of direct legislation. Under the new charter no initiatory measure can be placed on the municipal ballot in that city until it has been signed by 25 per cent of the qualified electors. Referendum petitions may not be circulated at all. They can be filed at the city hall, and those wishing to protest against an ordinance passed by the council must go there to sign them. Before such a petition becomes effective it must also be signed by 25 per cent of the registered citizens.

⁂

The city of New York will accept the offer of the Fifth Avenue Association to erect permanent traffic towers of attractive design on Fifth Avenue in place of the present temporary structures. The tower system of traffic control on this crowded highway has proved very successful.

Special Deputy Police Commissioner Harriss, who erected and maintained the present towers at his own expense, states that during the time they have been in place, the insurance companies have reported a saving of $2,000,000 in small accident indemnities; 92½ per cent of the drivers adhere to the system, and telephonic connection between the towers makes it possible to apprehend those who do not.

⁂

The successful struggle for a city-manager charter in New London, Connecticut, was enlivened by the charge that city officeholders had been ordered to "come across" for the fund to defeat the plan. According to press reports the civil servants responded with discouraging alacrity. They were slow to believe that the new plan would be a menace to their jobs. The new charter was adopted by vote of the people on June 7 by a vote of two to one. New London is the first city in Connecticut to adopt manager government.

⁂

Beginning in October, Philadelphia is to conduct a forum for the discussion of civic, educational, literary and musical subjects. In all, seventy-five meetings will be held. The forum is being organized under the joint auspices of the Civic Club, the University Extension Society, the City Club and the Academy of Music Corporation. The fee will be only ten dollars for the whole series. The chairman is Mr. Roland S. Morris, and the vice-chairmen are Mrs. Edward W. Biddle and Mr. Edward Bok. Mr. Bok has recently established an annual prize of $10,000 to be awarded to the citizen who has done the most for Philadelphia during the year. It will be no encouragement to the city government, however, since public officials are not to be eligible to the prize.

⁂

The administrative reorganization code recently adopted in Washington recited that, in view of the heavy expenses of the state government in the face of inadequate revenues, it be declared an emergency measure effective at once. Opponents of the code applied for a *mandamus* compelling the secretary of state to accept referendum petitions regardless of the emergency clause, but the state supreme court denied the writ in a divided opinion. The majority of the court declined to go back of the legislative opinion that an emergency existed; but the minority examined the grounds for such a declaration and found them untenable. The state had existed for thirty-two years without the code, and the denial of the right of referendum was legislative usurpation in the eyes of the minority.

The use of the emergency clause in states having the referendum is a subject on which we wish to report in a future issue.

⁂

Before adjourning, the New York legislature passed a veterans' preference act by which every disabled veteran is entitled to preference, without regard to his standing on the eligible list, in original appointment to the civil service of the state or any local subdivision, provided he fulfills the minimum qualifications. Every veteran is entitled to preference over all other persons with a rating equal to that of the veteran.

Governor Sproul of Pennsylvania has vetoed a bill recently passed by the Pennsylvania legislature to amend the Philadelphia charter so as to provide that a preference be given to all honorably discharged soldiers and sailors. The act if signed would have meant that, provided any of the persons enumerated could have passed a civil service examination with a mere passing mark, they would automatically have jumped to the head of the eligible list.

Civic Tours to National Parks

The future of the national parks depends not on the government, but on the people. If the parks are used and enjoyed to the fullest extent by their owners there will be little chance for commercial invasion.

Many persons will go to the parks for the sheer emotional pleasure of living in the open and looking upon scenery of unrivaled magnificence. But before another summer has gone by, the American Civic Association hopes to organize civic tours to the national parks under leaders who can explain the geological history of the marvelous granite, glacial and lava formations and the biological history of the plant and animal life.

Since the surest protection of the national parks is the intelligent appreciation and use of these great possessions of the people, what more valuable contribution to popular education in geology, biology and American history could be made than by means of field classes conducted in the national parks of the West? H. J.

⁂

Secretary Fall Denounces Walsh Bill

Secretary Fall has denounced the raid by private interests on Yellowstone Park contemplated by the Walsh bill and stated the principles which should control our national parks. "These parks," declares the secretary of the interior, "were created by congress for the preservation of the scenery forests, and other objects of beauty and interest in their natural condition, and they are created and maintained for general and national purposes as contradistinguished from local development." The secretary goes further. He looks into the future and states it as his opinion that even "if cases be found where it is necessary and advisable in the public interest to develop power and irrigation possibilities in national parks, and it can be done without interference with the purposes of their creation," "it should only be permitted to be done, whether through the use of private or public funds, on specific authorization by congress, the works to be constructed and controlled by the federal government." The many members of the American Civic Association who have worked for the creation of the national park service, and for the extension and protection of national parks will be gratified to learn of the stand taken by the secretary of the interior. H. J.

* * *

Commission Government in Des Moines

"The Referee" in the *Des Moines News* has made some observations on commission government which we reprint in this issue. The trouble, there, seems to be to get experienced administrators as heads of the various departments. The recommendation is to elect men to specific departments rather than to allow the commissioners to parcel out the headships among themselves. The real difficulty, of course, arises from the belief that the people can choose executives for special duties. As a matter of fact, the people have and always will be guided by other considerations than executive capacity in electing public officials. Their instinct, perfectly sound, leads them to vote for men as representatives. They vote for personalities and policies, not for financial or paving experts. The most we have a right to expect from an elected commission, therefore, is that it will represent us on policies and that it will supervise for us the city's administrative business as the details are being worked out by its chosen agents. This expectation is best fulfilled in city-manager government.

Teaching Public Opinion to Goose Step

The governor finally signed the so-called Lusk sedition bills, passed by the New York legislature. Senator Davenport characterized them as an effort to goose step public opinion. To those cherishing American traditions of fair play and freedom of opinion, these laws will be nothing short of startling.

In brief, the measures provide that a license will be required of all private schools, except those maintained by religious or fraternal bodies, to be obtained from the board of regents of the University of New York. This license will be refused if, in the belief of the regents, courses are being taught in advocacy of the doctrine that organized government shall be overthrown by force, violence or unlawful means. Licenses can be revoked at any time by the board of regents, with review by *certiorari* in the supreme court of the state. This measure seems to be aimed primarily at the Rand School in New York.

Teachers in public schools are also required to obtain certificates, stating that the teacher "is loyal and obedient to the government of this state and of the United States." The commissioner of education issues the certificate and can revoke it. No review is provided for a disqualified teacher. "No certificate shall be issued to any person who, while a citizen of the United States, has advocated, either by word of mouth or in writing, a form of government other than the government of the United States or of this state, or who advocates or has advocated, either by word of mouth or in writing, a change in the form of government of the United States or of this state, by force, violence or unlawful means."

The strictures on public school teachers are poorly defined (which is not good law) and unduly severe. Does advocating the direct primary for the nomination of candidates for governor of New York disqualify a teacher? It may if the commissioner of education desires so to rule. There is no review of his decision possible to the offending (?) teacher.

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House Plans for Small Incomes

After considerable discussion, the American Institute of Architects, at its 44th annual convention, held in Washington in May, accepted the report of the committee on small houses presented by Edwin H. Brown, chairman. The report developed the difficulties which have stood between good architectural service for small houses. It was recognized that strict economy to the last penny must be practiced, that the family of small income could not afford any specialties, and that an individual architect could seldom afford to give all the service required for a single small house at a rate which would recommend him to the prospective owner. And yet,

"The demand for small houses and the enormous number that are being built all the time make it absolutely impossible for one architect or for 100 or 1,000 architects, working individually or alone, to become a factor of the slightest importance in the big job of small housing."

To meet the need for small houses "of from two or three to six primary rooms, of one or two stories, with or without basement, for all sorts of soil and climatic conditions," the solution offered is "the Architects' Small House Service Bureau of the United States, Incorporated." "It provides complete architectural service for the home builder at a price he can afford to pay, and becomes valuable because it costs something. It also pays the architect a good return because of the time and labor he expends on the work and so becomes of lasting interest to him. It provides the local touch and knowledge necessary for the greatest economy in building. It is a perfectly simple solution of the business problem in connection with getting out ready-made plans by professionally trained men. It brings the small builder in direct communication with the architect, and by so doing will 'educate the public' by actually doing the work and showing the public that the profession is all that it knows it is, but has not yet been able to demonstrate."

This is what those who are promoting the service believe it to promise. It is planned to organize regional divisions and pool the ideas and technical ability of architects into a corporation service which will provide a large variety of well-planned houses, with differing exteriors, adapted to local conditions and modified to suit the site.

Such a service should do much to produce a large number of dignified, convenient cottages which should have their influence on the gradual retirement of over-ornate and ugly small houses which afford shelter in far too many cases for the family of small means. H. J.

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A Federal Budget at Last

After years of agitation and repeated postponement the United States is to have a budget system. The bill which became law last month is, with few exceptions, the same bill as that vetoed by President Wilson. The budget bureau is placed in the department of the treasury, but will be under the direct supervision of the president, who will appoint the director and assistant-director of the bureau. No reference is made to the secretary of the treasury, and it is probable that the bureau will function precisely as if it were attached directly to the office of the president. The budget will, therefore, be an executive budget in the true sense of the term, and the American people have cause for self-congratulation.

It will be recalled that the bill vetoed by President Wilson made the new comptroller general appointive for an indefinite term and removable only by congress. The bill as passed makes his term fifteen years. He is not eligible to reappointment and can be removed for cause only by impeachment or by joint resolution. Since a joint resolution is initiated by congress and requires the signature of the president, the comptroller has the desired independent status as against either the legislature or executive taken individually.

In addition to the duties now performed by the comptroller of the treasury and the auditors of the treasury department, the comptroller general is authorized to investigate all "matters relating to the receipt, disbursement and application of public funds" and to make recommendations to congress "looking to greater economy or efficiency in public expenditures."

Here we have something entirely new in our federal government. An officer, independent of the executive, yet with an administrative staff and with free access to all executive departments and records, has been created to study the efficiency of governmental agencies and to report to congress. He is to be the agent of congress with power of surveillance over the administration. It is intended that he conduct a sort of continuous study of executive operations. If congress trusts him it may be willing to surrender to the administrative departments wider powers of discretion and initiation, which will be all to the good. Heretofore congress has exercised the supervision it believed necessary by detailed legislation governing administrative conduct, a clumsy method at best.

While it is not intended that the comptroller general shall keep cost accounts of executive departments, he is empowered to make operation studies and report his findings to congress. Here lies a possibility of immense usefulness. If the comptroller general is supported with adequate resources and if he is moved by proper zeal for the public welfare, he will be at once a guide to congress and a spur to the executive. But to expect that he will revolutionize administrative methods is vain. Given a president, a comptroller general and a congressional majority, all of one political party, we may be sure that party solidarity, not to mention the amenities of official life, will prevent disclosures of waste and inefficiency in any damaging quantities.

Admitting that what is wanted is more light from the public standpoint on executive practices, shall we have it through the new comptroller general? After all, won't the keenest and ofttimes the most helpful criticism come from the organized minority in the opposition? If such is the case, why not give the opposition in congress better facilities for investigation and criticism of the work of the executive departments? A well-informed opposition would doubtless annoy the executive, but would not the country profit rather than suffer thereby? Partisan criticism so frequently fails of a real purpose to-day largely because it is necessarily based on imperfect knowledge from meager sources.

THE FIRST P. R. ELECTION IN NEW ENGLAND

BY CHRISTOPHER M. GALLUP

Member West Hartford Charter Commission

Proportional representation brought a lot of new blood into the town government. The party machine was disappointed, but the people are satisfied. :: :: :: :: :: :: ::

West Hartford, a residential suburb of Connecticut's capital city, used proportional representation based on the single transferable ballot, for the first election under its new council-manager charter. Seventy-seven per cent of the ballots cast were counted for the successful candidates, and only 3½ per cent were thrown out as invalid. The results of the election vindicated every claim put forward by the local sponsors of P. R.

For some years back West Hartford had been a political experiment station for the old Nutmeg State, being the first town to adopt the budget system, a town plan commission to control real estate subdivisions, the unit system of realty appraisal, and a salaried substitute for the board of selectmen. The mushroom growth during the World War, however, precipitated a financial crisis, necessitated a big jump in the tax rate, and developed public opinion to sustain a general municipal reorganization. This was accomplished by the appointment of a charter commission in accordance with the provisions of the home rule law.

The commission spent several months studying the various methods for eliminating the party labels from municipal elections, and finally concluded that the single transferable ballot offered all the advantages of alternative systems, and, in addition, a better attainment of American ideals of representative government. The only drawback was the general unfamiliarity with the system. Instead of incorporating P. R. in the charter, therefore, the commission reserved the right to formulate the rules and regulations for the first election, delegating to the council similar control over subsequent elections. Dummy elections under the Hare system were conducted by the charter commission at their various hearings, but the voters generally took very little interest until sample ballots were mailed to all registered electors one week before the election.

The mistake was made of failing to have the rules for counting accompany the sample ballots, and there was more or less hue and cry that the charter commission had put something over. There is no local newspaper, and both Hartford dailies, being strong partisan and organization sheets, "knocked" the Hare system heartily. Secretary Hoag of the P. R. League came to school the election officials, and tried to get some explanatory matter printed, but in vain. The stage setting for the first P. R. election in New England was not any too favorable.

THIRTY-TWO CANDIDATES ENTERED: FIFTEEN ELECTED

Thirty-two candidates filed nominating petitions, there being fifteen councilmen to be elected. For the convenience of the voters, the town was divided into four districts, and the councilmen apportioned according to the registration. In the first district, ten candidates contested five seats; in the second, three candidates one seat; in the third, eleven candidates four seats; and in the fourth, eight candidates five seats. The campaign was quiet, with no clean-cut issues outstanding, and was entirely free from anything savoring of "mud-slinging" or personal abuse of candidates.

Sixteen hundred and seventy-nine votes were polled on election day, practically 50 per cent of the registration. As stated above, only 3½ per cent of the ballots were thrown out as invalid, and 77 per cent were actually counted for the successful candidates. The polls closed at five o'clock, and the final results in every district were known by eight. Fifty men and women took part in the sorting and counting of the ballots, and the entire process was carried through in each district with precision and dispatch.

The representative character of the council can best be indicated by enumerating the occupations of the various members which are: dairymen (2), tobacco grower, insurance company officer, florist, salesman (traveling), plumber, factory superintendent, typewriter assembler, restaurant broker, insurance clerk, wholesale grocer, newspaperman, carpenter and lawyer.

Only four members of the council are men who have been active in town affairs under the old system. At the last presidential election Harding beat Cox by about three to one, yet the Republican organization landed only six of their men. Naturally the party hacks are still "knocking" P. R., but the people generally seem satisfied with their representation on the board now entrusted with all of the corporate powers of the municipality. The council still has about eight months in which to enact the ordinance governing the next election, and meanwhile will hold public hearings to ascertain the wishes of the voters with reference to continuing the use of P. R.

OHIO LEGISLATURE DENIES RELIEF TO INSOLVENT CITIES

BY WILLIAM M. THOMAS
Ohio Institute of Public Efficiency

The Smith law bends but does not break. Property classification was defeated so income tax was not pushed. :: :: :: :: ::

While the Ohio legislators were packing their bags, prior to departure for their homes, after confessing their inability to arrive at a definite solution of the "tax tangle," there appeared a small news item in the Columbus papers:

> Lodges Help City
>
> Delaware, May 18.—Delaware lodges have come to the financial aid of the city. Three secret societies have made loans to the city during the past week to tide it over till September.

Rather a singular procedure, perhaps without parallel; but Delaware is not the only Ohio community hard hit by the financial drought.

Even as big and wealthy as the city of Cincinnati is, her officials were compelled to appear before legislature in January and plead permission to issue deficiency bonds for several millions, or "close shop during the last nine months of the year because of an empty treasury." This permission was secured through the enactment of a measure authorizing taxing authorities of municipal corporations to fund deficiencies, for the present year only, by bonded obligations payable from subsequent tax levies.

The financial plight of the city of Delaware, while not typical, is an outstanding example of the divers ways sought to cope with impending tax quandaries. Some communities have failed to meet bonded obligations; others have met these only to borrow to meet current debts.

FIFTY PER CENT OF REVENUE GOES TO MEET DEBT CHARGES

In 80 Ohio cities, 50 per cent of the average 1920 dollar is required for sinking fund purposes. In one instance, but 13.4 cents of every tax dollar was left for current purposes.

Although the state has no bonded indebtedness, the taxing districts have incurred obligations of this nature amounting to more than a half billion dollars. This debt is increasing rapidly. It gained more than fifty-three millions in the past year. The total tax duplicate for 1920 amounts to $10,672,279,582; a gain of $1,070,125,918 over last year. During this twelve-month period, the average tax rate in the 80 Ohio cities increased from $16.60 to $20.40 per $1,000.

NO CLASSIFICATION; NO INCOME TAX

Seventy years have elapsed since the fundamentals of the present Ohio tax laws, requiring a uniform property tax, were adopted. The state has grown from a sparsely settled country with a few cities to an inland empire with many important cities and a diversity of developed resources. Yet the tax system remains unchanged, except for recent legislative action, which submits a constitutional amendment to the people in November, authorizing the general assembly to enact a poll tax.

The legislature was too evenly divided between classification advocates and those who hold dear the tenets of the "uniform rule," to submit a classification proposal, either straight or modified, to the people. Likewise the enactment of an income tax, the authority for which legislature now has, failed because the advocates of classification do not desire such a tax so long as the uniform property tax is effective.

A NEW BOND LAW TO LIMIT DEBTS

However, the retiring assembly did one thing which scores of others regarded important but failed to accomplish. It enacted a debt limitation law—a measure drafted by the Ohio Institute for Public Efficiency as a result of a conference on taxation, which comprised representatives from many civic bodies of the state. This measure was indorsed by the conference as a means of curbing the rapid increase in public debt.

The new limitation law has five objectives through which control over debt incurring powers of the taxing districts is undertaken. These purposes:

1. To prevent borrowing for current expenses or deficiencies.
2. To restrict the maturity of loans so that bonds cannot be issued for a longer period than the probable life of the assets acquired.
3. To protect sinking funds.
4. To strengthen the limitations on maximum net indebtedness.

5. To establish the serial form of bonds.

Borrowing to meet current expenses is prevented through the repeal of statutes authorizing bond issues for repairs or current expenses and permitting the issuance of deficiency bonds.

Maximum maturity limits upon assets, as imposed by the act, will restrict taxing districts from paying for assets after the value or usefulness has ceased to exist.

Sinking funds are protected through amendments which prohibit the payment of judgments from sinking funds and require the county auditor to make a preferred levy annually for the retirement of bonds without further action of the taxing authorities.

The present limitations upon municipalities and townships of 2½ per cent of the duplicate without vote of the electorate, and an additional 2½ per cent with a vote, were maintained. A maximum limit of 6 per cent of the duplicate is imposed upon school districts. The only public utility bonds permitted outside the limitations are those for water works. This restriction was inserted through an amendment, for which the legislature was responsible.

The equal installment type of serial bonds is required for all bonds hereafter issued.

In order that taxing districts may function when the debt limitations become effective, the legislature enacted a companion measure that permits districts, by a 60 per cent approval of those voting on the question to suspend the general limitation law for a period of three years.

MEASURES TO PALLIATE SMITH LAW

Within this period, another legislature will be compelled to pass a new revenue-raising measure or extend the Smith law suspension period. The former course will probably be forced because some districts are certain to vote down the Smith law suspensions, the result of which will more deeply involve them in the quagmire of financial despond.

A state levy of three-eighths mill was authorized for a period of two years, the proceeds of which are to be distributed one-third to the three state universities and two-thirds to the benevolent institutions for the purpose of constructing new buildings and repairing old ones.

Levies for library purposes were exempted from all limitations. The methods of levying and distributing school taxes were altered, an annual levy of fifteen one-hundredths mill being imposed, the proceeds of which constitute an educational equalization fund and an additional two-and-sixty-five-one-hundredths mills to be retained by the taxing districts.

Cities, villages and counties were also authorized to levy taxes to acquire and maintain playgrounds, swimming pools, baths or indoor recreation centers.

The failure of the legislature to enact a new revenue-raising measure was disappointing to many. But the major accomplishment, pointed to by the assembly leaders, is the debt limitation act, upon which is based hope for attaining the essentials of a sound financial policy for Ohio taxing districts.

UNSCRAMBLING MICHIGAN'S GOVERNMENT

BY LENT D. UPSON

Director, Detroit Bureau of Governmental Research

Michigan is reforming by stages. The present reorganization is a makeshift of doubtful value. :: :: :: :: :: ::

It is reported that Michigan's state government has consisted of more than 116 distinct governmental units, which, with the use of ex officio boards, and the division and dissipation of authority over the similar services, has scattered responsibility and made effective action impossible.

For example, responsibility and authority for dealing with state financial problems have been distributed among every elected state official and board, except the lieutenant governor. Thirty authorities divided responsibility with the governor in administering state welfare work. Problems relating to trade and commerce were divided among thirteen authorities. Education and related questions were dealt with by five elected officials and boards, and twenty-seven other authorities.

In consequence, practically every elected official was a member of numerous ex officio boards, in the operations of which he could take no active part. The state superintendent of public instruction, primarily responsible for the supervision of the public schools of Michigan and a member of numerous educational boards, was also a member of the board of geological survey, the war preparedness board, the board of state auditors, the board of state canvassers, the office building board, the public domain commission, the board of fund commissioners, the board of escheats, the board of control of state swamp lands, the board of claims of public land sales, and the state board of agriculture.

Both the newly elected governor, Alex. J. Groesbeck, and the voters realized that Michigan's inexpensive government was not functioning well. The Michigan Community Council Commission, through the Institute for Public Service of New York, presented a 200-page report dealing with the idiosyncrasies of Michigan government, and made tentative recommendations of reorganization. In the recent session of the legislature, the governor secured a piecemeal program of his own providing for state reorganization.

THE STATE ADMINISTRATIVE BOARD

The governor's immediate program provides for a state administrative board to have general supervision of all state activities, and for five large departments, to assume the duties formerly performed by thirty-three ex officio boards or semi-independent officials.

The state administrative board is distinctly a makeshift pending the announced purpose of abolishing a number of elected officials and their appointment by the governor. In the meantime the activities of these officials, secretary of state, state treasurer, auditor general, attorney general, highway commissioner, and superintendent of public instruction, are correlated with the governor in a board, with large supervisory powers. The governor retains appointive power over subordinates and has certain veto power over the acts of the board.

The five departments created include a department of agriculture, under a single commissioner; a department of conservation with a seven-member board and a single commissioner; a department of labor, with three salaried commissioners; a department of public safety, with a single commissioner; and a state department of welfare, with one commissioner and a seventeen-member board.

These changes involve only a partial centralization of the state government. The numerous examining boards are retained, the educational activities of the state are administered as formerly, and a number of minor departments continue to be dealt with by future legislation.

NON-SALARIED BOARDS RETAINED

There is some skepticism as to whether the anomalous situation as between the non-salaried boards and salaried commissioners, as provided in the department of conservation and department of welfare, will operate successfully. The welfare board is divided into four groups, each in immediate charge of certain institutions. These groups or sub-departments are the hospital commission of seven members, dealing with seven state hospitals for the insane and epileptic; the prison commission of five members, controlling the three state prisons; the corrections commission of five members, supervising the three industrial schools for boys, girls, and women respectively; and the institutional commission, responsible for four public schools educating the handicapped.

In the past, these state institutions have each had their own board of trustees, and there have been periodic exposes of maladministration. This year, charges were made against the operation of Marquette Prison, Jackson Prison, Lansing School for Boys, Okemos Training School for Women, and the Adrian Industrial School for Girls, ranging from financial defalcations to cruelty to inmates. If a single cause could be assigned to these periodic criticisms, it would be that the boards of trustees living away from the institutions and engaged in their own affairs have not followed carefully the institutions' activities and management. How far can boards obviate this difficulty when instead of a single institution they are given from three to seven institutions to supervise? How far will a single commissioner be able to detect maladministration in the entire group of seventeen institutions? And in event such maladministration is detected by the commissioner of welfare, what authority to apply corrective measures will he have when immediate responsibility lies with a board also receiving their appointment from the governor?

Another tendency of such boards is to parcel out such institutions among individual members. It will be interesting to observe whether the seven members dealing with the seven state hospitals give attention to all hospital problems, or whether the member living near each hospital will be assigned responsibility for that institution.

From appearances and reports the present state reorganization of Michigan is a temporary expedient. Apparently the governor intends to push his program as rapidly as is consistent with public opinion; and after trial he may find it necessary to correct some obvious defects.

In its present development, the analyst of efforts to strengthen state government will find little material in the Michigan experiment.

THE ASSAULT ON THE ST. LOUIS MACHINE

BY LOUIS F. BUDENZ

St. Louis is no longer "unashamed." Valiant efforts have been made to throw off machine rule with little success as yet, but with promise for the future. Mayor Kiel was almost defeated. :: ::

Mayor Henry W. Kiel of St. Louis and his strong political machine have again been under fire—in the recent municipal election. Since the attempt to recall the mayor two years ago, because of his secret franchise deal with the United Railways Co., the way of the machine has not been as smooth as before. Public distrust of the city administration continued to show itself in the spring of 1920, in the defeat of thirteen of the eighteen items of the proposed municipal bond issue. Further warning was given the "ring" in the Republican primaries the following fall, when "Boss" John Schmoll, chairman of the city central committee and director of public welfare, lost the nomination for sheriff, to the surprise of himself and his opponents. And in the election immediately following, two of the three judges put forward by the Kiel-Schmoll group were beaten through the militant opposition of the local League of Women Voters.

PROMINENT REPUBLICANS DESERT THE MAYOR

Large doses of publicity also embarrassed the machine and weakened it. In a survey of the national political situation, just prior to the presidential primaries, a correspondent of the *New York Times* had directed attention to the St. Louis Republican organization as the best entrenched municipal machine in the country. Shortly thereafter, it burst forth on the front page of every newspaper in the nation, through the revelation of money payments to Nat Goldstein and Robert Moore, two of its most active members, for support of Col. Frank O. Lowden for President. Goldstein is clerk of the circuit court and uncrowned head of the "court house ring," which, amalgamated with the Kiel-Schmoll "city hall crowd," makes up the machine. These revelations about him, it will be recalled, brought forth denunciations from leaders of both large political parties and did much to bury the presidential aspirations of the Illinois governor.

The approach of the municipal primaries this spring was the signal for "reform forces," encouraged by this apparent advantage, to get busy in an effort to defeat the mayor himself. A short time after the recall effort, he had announced his candidacy for a third term. Ex-Governor David R. Francis, Democrat, former ambassador to Russia, and closely connected with the United Railways Co., had publicly declared him the proper man for the place. It was therefore generally conceded that his ambitions would be seconded by all the members of that financial and utility combine known as the "Big Cinch," which has dominated St. Louis for years—no matter what their politics might be. An independent Republican club was organized, however, to oppose the mayor's candidacy, and Col. Robert Burkham, attorney for the school board and head of the local American Legion, was designated to run against him for the nomination. Four of the five newspapers of the city rallied to Colonel Burkham's support; the *Globe-Democrat*, which had stood with the mayor all through the recall campaign and before, now suddenly deserting him. The only paper which remained with him has a negligible circulation compared to any one of the other papers.

One of the chief sources of opposition to the mayor was the third term issue. Another was the question of machine domination. The fact that twenty of the twenty-eight members of the Republican city committee were on the municipal pay roll, either at the court house or the city hall, lent vivid color to the contentions on this point. The array of political underlings and near relations of political chiefs among the officeholders mutely attested to the breakdown of the carefully drawn efficiency rules of the new city charter. These rules had been violated by the mayor as early as his first term, particularly in the appointment of Henry L. ("Hank") Weeke, a powerful ward leader, to a municipal job contrary to the charter provisions. The Civic League at that time took the case to the courts; but before a decision could be reached, it was discovered that Weeke was an alien enemy and therefore ineligible for public office. Upon his applying for citizenship rights, the federal court refused his request on the ground that he was of immoral character, because of the evidence introduced showing his connection with the underworld. His son-in-law took his place on the Republican city committee, however, and he continues to exercise his influence on appointments, through his strong hold on the "automatic vote."

THE STREET RAILWAY DEAL

A third issue was the United Railways deal, which had provoked the "recall." Colonel Burkham declared Mayor Kiel to be "the best friend the United Railways ever had." The League of Women Voters, in a review of the mayor's administration, scathingly denounced him for the deal. "Of all the acts of Mayor Kiel's administration," their statement read, "the United Railways deal stands out as flagrantly contrary to the interests of the city, and certainly did not conform to his pre-election pledge. By the settlement the company got what it sought and the city received nothing in return. The circumstances under which the settlement was made seem to indicate not only that the mayor was unfaithful to the trust which the people had reposed in him, but that he betrayed them deliberately and knowingly." This issue proved a rather one-sided one, as the mayor maintained a studied silence in regard to it. In a long account of his "achievements," published as a campaign document, no mention of the street railway deal was made at all, and it was not alluded to by him or his supporters at any subsequent time.

With all these batteries trained upon him, the mayor was victorious over Colonel Burkham by more than 11,000 votes. Col. James W. Byrnes, a business man not well known in politics, was successful in the Democratic primaries.

To the surprise of St. Louis, the *Globe-Democrat* declared that it could not support Mr. Kiel for the mayoralty, even though it was a Republican paper, and that it would lend its aid to the campaign for Byrnes. This, again, made four newspapers lined up against the mayor and one small newspaper for him. Other defections from the

Republican ranks followed. A number of leading Republicans publicly announced their antagonism to the mayor, and many of them joined the nonpartisan committee which was formed to aid the Democratic nominee. Prominent among the former was Hon. Charles Nagel, former secretary of the interior under President Taft, who issued a statement on the eve of the election declaring that he did not consider himself bound by the results of the primary and that he would vote against Mayor Kiel. The effect of this revolt was seen in the election vote, which returned the mayor to his position in the city hall by a majority of 9,615—as compared to the 11,156 majority he had received over Burkham in the primary, and the 23,361 majority over his Democratic opponent, Connett, four years before. The old causes, that have been triumphant at St. Louis elections for years, again determined the final verdict, although by a much decreased margin.

CAUSES OF MACHINE'S ENDURANCE

These causes, touched upon in the NATIONAL MUNICIPAL REVIEW in a previous article, are easy to sum up: (1) The grip which the Republican machine has secured on the city hall through the provisions of the new charter, under which there is no chance for a minority to secure any single office in the city government, the aldermen being elected at large and the great mass of executive offices being appointed by the mayor. This gives the machine 7,000 city employes, voters and workers, to start off with. (2) The large German-American and Negro vote is still pretty solidly Republican, regardless of issues. The Germans, in the Civil War, saved St. Louis for the Union, and have been voting on that issue ever since. The politically stupid attacks made in the preceding Connett campaign, which charged Mayor Kiel with "un-Americanism" merely because of his Teutonic name, did not ease this situation. Byrnes was attacked from the platform during the campaign as unfit for office because of his Irish extraction. (3) The doubt in many minds that the Democratic city committee would improve the situation, but rather make it worse. Its hitherto hopelessly minority character has caused it to fall into the hands of elements which seek generally to be lesser partners of the opposing machine and dependents of the same financial-utility combine which dictates to the Republican organization. The fact that Colonel Byrnes had been sponsored by State Senator Mike Kinney, leader in the river wards, and that he was hazy on the transportation and bridge issues, made this doubt appear a certainty to many voters.

A bright spot in the election results for the "reform forces" was the success of four of their five candidates for the board of education. This was due to a rather amusing error by the code revision committee of the 1919 state legislature. Under the law for many years in force, the school board could be elected by petition on an independent ticket. But the law also permitted nominations by parties at primaries or conventions, which prevented the success of any independent ticket. In fact, the two parties, by agreement, divided the board between them, and nominated on both tickets the candidates thus agreed upon. This bipartisan control of the board was a connecting link between the two party machines. Through a mistake, the revision committee omitted the sentence providing for the party nominations, and an effort to have it replaced failed at the 1921 session, principally through the vigilance of E. M. Grossman, former attorney for the board. In this year's election, therefore, the issues were squarely joined, without any confusion arising from party labels.

St. Louis has been trying hard to wipe out the name "unashamed," which it received when Philadelphia was called "corrupt and contented." When the issue has been clean-cut, as it was two years ago in the "recall," either the election machinery has been scrapped by the anti-civic forces, or indifference has won. The vicious circle of interest still unites many of the leading citizens (as it did in Ed Butler's day), through their financial and utility connections with the elements playing to the underworld and breaking down the efficiency system. The long and persistent efforts of that little group of independent men and women centered around John H. Gundlach, former president of the city council, and the advent of the League of Women Voters, are undoubtedly changing the situation. It is in them that the present hope for St. Louis lies.

FEUDS AND POLITICS IN PENNSYLVANIA

BY EDWARD T. PAXTON
Bureau of Municipal Research, Philadelphia

The Pennsylvania legislature changed speakers during the last days of the session as a stage in bitter factional fights within the dominant party. :: :: :: :: :: :: :: :: ::

The 1921 session of the Pennsylvania legislature will be memorable for the deposing of a speaker, an unusual event, and the climax of a drama in which the principal actors are nationally of political note.

THE SIDES DRAWN UP

For years the principal "back-home" supporter of Senator Boies Penrose has been Joseph R. Grundy, president of the Pennsylvania Manufacturers' Association, whose association has furnished the principal sinews of war for the Republican state organization. The leaders of the Republican party in Pennsylvania are Governor William C. Sproul and State Senator William E. Crow, chairman of the Republican state committee. Between Senator Crow and Governor Sproul, on the one hand, and Mr. Grundy, on the other, has arisen bitter political antagonism. Prior to his illness, Senator Penrose was able to keep the factions at peace and in co-operation. With his serious illness, however, they got out of hand. The breach became irreparable at the Chicago convention, when the Grundy followers spoiled Governor Sproul's aspirations for the presidential nomination.

The 1921 legislature afforded the next test of strength between the factions. At the outset, the Sproul-Crow choice for speaker was upset by Penrose in favor of the former speaker, a Grundy adherent. Further than that, Penrose seems to have kept his hands off, while the Sproul-Crow forces and the Grundy forces set out to settle the leadership of the state organization. The immediate objective for Sproul and Crow was the enactment of certain legislation. Beyond this was said to be Mr. Crow's ambition to succeed Philander C. Knox in the United States senate, and Mr. Sproul's desire for the toga which sooner or later will fall from the shoulders of Penrose. Mr. Grundy's objective was to block the Sproul-Crow program and ambitions so far as possible.

THE GOVERNOR'S PROGRAM BLOCKED

The governor's program included vast improvement in the public school system, liberal road-building, forest preservation, the calling of a constitutional convention, increased revenue measures, and the establishment of a state department of public welfare. For the benefit of the party there were state reapportionment bills and repealers of the non-partisan election laws enacted in the progressive session of 1913.

The proposed repeal of the non-partisan city election laws for Pittsburgh and Scranton aroused a storm of ire in Pittsburgh. Under the non-partisan system, the machine leader in Pittsburgh has been crowded persistently to the wall by an opposing faction led by a newspaper publisher, George S. Oliver. Oliver formed a working agreement with Grundy, the administration's other foe. Grundy contributed Speaker Robert S. Spangler, under whose capable and energetic gavel the house has done business more smoothly and expeditiously than in many former years. He contributed a tireless filibusterer, a clever minority floor leader, and the chairman of the rules committee, an unusually able parliamentarian. Oliver contributed two other important committee chairmen. Though the voting strength of the combined Oliver-Grundy forces never exceeded 80 out of the 206 votes of the house, these six men and their lieutenants were able to tie up the administration program so tightly that a political upheaval was required to break the jam.

THE RUMP LEGISLATURE

The house had bound itself by two actions: a resolution to adjourn by April 28; and a report of the rules committee, adopted before its full purport was realized, requiring a majority of the house to discharge a committee from consideration of a bill. The administration awoke to the realization that its non-partisan repealer was in the hands of the Oliver-controlled municipal corporations committee, its public welfare bill in the public health committee, and the reapportionment bills in equally hostile hands or else, unreferred, in the speaker's pocket.

On the Monday night preceding adjournment, the administration forces came to Harrisburg determined to control the situation. The Oliver-Grundy forces filibustered, the speaker refusing to recognize any member of the administration group. The plan evidently was to prevent bringing out the bills until the next day, after which there would not be time enough to pass them without extending the session. The filibuster continued until ten minutes past midnight. Then the chairman of the rules committee, invoking a rule which had never before been invoked nor followed, pointed out that at ten o'clock on Monday night the order of the day is to adjourn until morning, and called for the order of the day.

The speaker declared the house adjourned and left the rostrum. The members of his faction started to follow. The dense throng of visitors began to file out. In the midst of the confusion, the administration floor leader got the attention of his followers, directed them to stay in their seats, and called upon the chief clerk to preside, order the doors closed, and ascertain the presence of a quorum. A quorum was present, and the original Sproul-Crow choice for speaker, Samuel A. Whitaker, was immediately nominated, elected, and sent to the rostrum as speaker pro tempore. Under his guidance, with the doors still closed and a score or more of unfortunate representatives, senators and newspaper men trying to get in, a series of lightning-like moves by administration leaders suspended the rule governing discharge of committees, brought out the non-partisan repealer, the welfare department bill and the reapportionment measures, and passed each through first reading. The house then adjourned at a quarter past one, and after a ten-minute recess began the legislative session of Tuesday. One member, a clergyman, acted as chaplain. The disputed administration measures passed second reading, and the house recessed until ten o'clock, an hour earlier than the time Speaker Spangler had set when he left the rostrum.

When the house reconvened, the speakership was declared vacant. Whitaker, the speaker pro tempore, was elected permanently, and the house proceeded with business. The final test came at eleven o'clock, when Spangler, accompanied by his personal aide and the official chaplain, came in to open the session of the day. His way to the speaker's desk was barred by half a dozen sergeants-at-arms. Unable to force past, he called upon his newly elected successor to surrender the chair; and, on being informed that he was no longer speaker, he took the floor in front of the rostrum and made an impassioned defense of his conduct of the chair. His personal popularity, his ability, and the feeling of his colleagues that he had been forced too far by his political associates, made the close of his speech a tense moment. Then came the soothing voice of Speaker Whitaker, "The remarks of the gentleman from York, Mr. Spangler, will be spread upon the minutes and printed in the journal of the house. The next bill on the calendar is . . ."

There was no further difficulty in passing any administration measure; nor was there any evidence of the wrath of Senator Penrose which was liberally forecasted by Grundy followers. The train of events would lend credence to the belief that the Pennsylvania leader determined to let the rival factions fight out their differences, and give his favor to the winner.

PHILADELPHIA CHARTER IN DANGER

Among the measures that came out of the municipal corporations committee when the cork was drawn was a freak measure that may be taken as the dying gasp of contract street cleaning in Philadelphia. It was an amendment to the city charter, which would have made it compulsory to advertise each year for bids for street repairing, street cleaning and refuse disposal. The city already has the power to advertise for such bids, and compulsion is unwelcome, because Philadelphia considers the question of municipal versus contract street cleaning permanently settled. Street cleaning by municipal forces, now confined to the central section, will be extended over the whole city during the coming year. The bill was withdrawn by its sponsor, after an outburst of popular indignation.

THE L'ENFANT PLAN AND THE BOTANIC GARDEN

BY HARLEAN JAMES

Secretary, American Civic Association

A new Botanic Garden extending over hundreds of acres, with opportunity for rich varieties of vegetation and scientific experiment, instead of the present small plot obstructing the development of the L'Enfant plan. :: :: :: :: :: :: :: ::

I

In every department of public affairs there comes, sooner or later, the clash between the interests of the many and the advantage of the few, the conflict between the vision of future greatness and the blindness of temporary expediency. The proposed removal of the Botanic Garden to the Mount Hamilton site and the development of the mall around the new Grant Memorial in accordance with the plan of 1901 now brings a clear-cut issue with the attempt to enlarge the Botanic Garden in its present site.

The Botanic Garden lies across the street from the Capitol on the south side of Pennsylvania Avenue and overlaps the plan to develop the mall from the Capitol to the Lincoln Memorial, a plan which conforms to the L'Enfant plan as adapted by the plan of 1901. In selecting the sites for the Grant and Lincoln Memorials congress has respected the design for the mall. The Botanic Garden, which covers some twelve acres including the sites of the Grant and Meade Memorials and the Bartholdi fountain, is enclosed by a low brick wall surmounted by a high iron fence. The massive Grant Memorial, which is now nearing completion, stands just inside the fence directly across from the Capitol grounds.

In the sundry civil bill for 1921–22 an appropriation of $5,000 was made by congress for the unveiling and dedication of the memorial to General Grant, and "for removal of so much of the iron part of the brick and iron fence on the east side of the Botanic Garden as in the opinion of the superintendent of the garden may be necessary to improve the surroundings of said memorial." It is perfectly clear that the Grant Memorial already placed in relation to the parked approach from the mall and the Meade Memorial which will be erected in the northwest corner of the garden are the beginnings of the development of the mall in accordance with the plans of the Fine Arts Commission. This development and the Botanic Garden cannot occupy at one and the same time the same space. There is only one answer. The Botanic Garden must go.

This does not mean that the Botanic Garden should be abolished. Far from it. At the request of the committee on the library of the house of representatives, a plan has been prepared by the Fine Arts Commission which would give Washington a national Botanic Garden extending over hundreds of acres and affording opportunity for scientific experiment and landscape development comparable with the most famous botanic gardens in other countries. For this national

Botanic Garden the commission has recommended a site bordering the Anacostia River which, according to the experts of the agricultural department, would meet the requirements for such a garden. The suggestion is further made that the flower beds and greenhouses in present gardens be removed to some site convenient to the Capital, where they may serve their present purpose and not interfere with the development of the L'Enfant plan.

II

The proposed removal of the Botanic Garden to a suitable site and the development of the mall recalls the origin and purpose of the Fine Arts Commission, which was created by congress in 1910 to carry out the plan of 1901 and to insure artistic merit and architectural unity in governmental art. The plan of 1901, drawn up by the senate commission, composed of Daniel Burnham, Charles McKim, Augustus St. Gaudens and Frederick Law Olmsted, was a restatement and enlargement of the L'Enfant plan of 1792, to which Washington owes its distinction, but which had been forgotten and ignored for many years. It was more than fitting that on the one hundredth anniversary of the removal of the seat of government to the District of Columbia the vision of Washington and Jefferson should be recognized and their plan revived and vivified.

The present Commission of Fine Arts is composed of Charles Moore, John Russell Pope, James L. Greenleaf, James E. Fraser, Henry Bacon, Louis Ayres, H. Siddons Macobrey, with Colonel C. O. Sherrill as secretary and executive officer. The Commission surveying the whole field has been enabled to select a site appropriate for the Botanic Garden and one which will supplement and harmonize with other developments. For some years the War Department, acting through the Anacostia Reclamation Board, has been reclaiming the Anacostia flats. The commission proposes that the Botanic Garden be located on 433 acres included in the Anacostia reclamation project, and 367 acres to be purchased at a cost less than the saving in dredging which would otherwise be undertaken by the reclamation board. The board has endorsed the plan of the Fine Arts Commission, and Senator Brandegee has re-introduced into the 67th congress a bill (Senate 4485) to authorize the extension of the taking line of the Anacostia project as defined in the act of 1914, amended in 1917, to include the 367 acres designated by the Fine Arts Commission.

The combined site contains thirty-two varieties of soil and includes elevations which vary from sea level to 239 feet. Many plants and trees are already growing on Mount Hamilton and vicinity. In the present enclosed gardens the variation in soil and altitude is so slight and the area so restricted that a true botanic garden could never be developed even if the land were not already dedicated to the truly imposing approach to the Capitol planned by the Fine Arts Commission.

The Mount Hamilton Botanic Gardens would be reached by a two-mile drive on Maryland Avenue, a wide, parked thoroughfare which is completed about two-thirds of the distance. The gardens would lie along the main highway from Baltimore to Washington; the Pennsylvania Railroad would cross the north end, and the Baltimore and Annapolis electric line would traverse the south end. Thus the electric, rail and motor approach to the Capitol from the northeast would be relieved from the ragged and unkempt appearance which the straggling outskirts now present to the traveler. The river would make possible water gardens of rare beauty. On the lowlands eighty acres in wild rice would afford a bird sanctury. The waters of the river would be diverted into lakes and moats. The wonderful Shaw lily-pond would be preserved and made to rival those of the tropics. Wooded hilltops, sunny slopes and shaded nooks would provide for shrubs and trees of many varieties.

The Brandegee bill has been referred to the committee on library, of which Senator Brandegee is chairman. The other members of the committee are Senators Wadsworth of New York, Knox of Pennsylvania, McCumber of North Dakota, Williams of Mississippi, McKellar of Tennessee and Broussard of Louisiana.

III

Seeking to compromise in a case where compromise means fatal delay, Representative Langley has introduced a bill into the house (H. R. 2166) which would enlarge and entrench the present Botanic Garden, by adding two parcels of land known as East and West Seaton Park. It is true that the bill would prohibit the erection of "conservatories and other improvements of a permanent character . . . to areas not intended as sites for future public buildings and driveways in the plan for that vicinity prepared by the Park Commission." It is obvious that no more buildings of any sort, permanent or temporary, should be erected on any of the land included in the mall, except in strict accordance with the entire landscape-plan of the Fine Arts Commission. Nothing could be more short-sighted than to enlarge the present Botanic Garden. The Langley bill was referred to the committee on library, composed of Representatives Norman J. Gould of New York, Fess of Ohio, Luce of Massachusetts, Park of Georgia and Gilbert of Kentucky.

The people of the country have faith in the vision and ability of the Commission of Fine Arts, and, when they know of the conflict between the vision of the commission and the vested interests in things as they are, they will lose no time in letting the senate and house committees on library know their views. Every city planner, every landscape architect, every architect, every civic leader may perform a public service by communicating with the congressional committees urging an early favorable report on the Brandegee bill, which is the first step to secure for Washington worthy botanic gardens and the proper development of the mall approach to the Capitol planned so many years ago.

CONCERNING COMMISSION GOVERNMENT IN DES MOINES

BY "THE REFEREE"

From The Des Moines News

We print these interesting observations on commission government "as is" in Des Moines. She is having trouble getting commissioners who are expert administrators and good representatives at one and the same time. :: :: :: :: :: :: :: :: ::

THE commission plan of city government, which we have here in Des Moines, and which is in operation in several other Iowa cities, has many virtues.

* * *

Like most other forms of government, however, it also has some defects.

* * *

Chief among these short-comings appears to be the election provided.

* * *

Under the commission plan, commissioners are elected to preside over the various divisions of the city government. These commissioners also comprise the city council.

* * *

In Des Moines, for example, we elect a mayor and four other men to serve as commissioners and members of the city council.

* * *

The mayor is ex officio commissioner of the department of public affairs. His four co-workers are chosen to superintend respectively the department of accounts and finances, the department of public safety, the department of streets and public improvements and the department of parks and public property.

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The commission plan provides for wo elections biennally, one a primary and, then, two weeks later, the election proper.

* * *

As many men can run for mayor and commissioner in the primary as feel the urge for public office.

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The two men receiving the highest vote for mayor and the eight men securing the largest vote for commissioner then fight it out for supremacy at the regular election.

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The system as outlined has two grave defects.

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The primary and election proper are non-partisan. This permits what is known as "plunking."

* * *

This is done by voting for only one man for commissioner, instead of four as is the prerogative of the voter.

* * *

In other words supporters of a certain candidate, fearing his defeat, can vote for him and him alone, thus wasting the other three votes which, by law, is theirs.

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The result is, the toal vote of their candidate is boosted and the vote of his opponents is held down.

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For example, in the last election in Des Moines, it is reported that many men "plunked" for John Budd, commissioner of streets.

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By voting only for Budd and withholding their votes from other candidates, these voters were able to enhance Budd's vote and hold down the vote of his opponents.

* * *

Another great defect in the present election system is that the four chief divisions of the city government are not parceled out among the elected commissioners until after their election.

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In other words, during the campaign you do not know whether John Jones is going to be commissioner of finance or commissioner of public safety, if he should happen to be elected.

* * *

While you might vote for Jones if he was a candidate for the finance job, you might not vote for him if he was after the safety berth.

* * *

Under the present plan you have no way of knowing where he will be placed after the election. He may be relegated, through politics, to a post entirely unfitted to his talents.

* * *

After every election there is always an unusual amount of speculation as to how the various departments are going to be apportioned.

* * *

In deciding this, politics plays a far greater part than it should. When a particularly ambitious party "horns" into the city council, there is likely to be an alliance of the old member to shelve him so that he is unable to give the people the value of his experience and training.

* * *

How this works is best illustrated by a political deal pulled here some six years ago.

Harry Frase, present commisssioner of parks, was a candidate for the council and was elected. Tom Fairweather, former mayor, was elected along with Frase.

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The latter's experience had to do entirely with financial matters as a result of his experience as auditor of Polk-Co. for several years.

* * *

Frase wanted to be commissioner of finance. Most of those who voted for him expected him to get that post because of his fitness for it.

* * *

But Fairweather wanted the finance job, also. Fairweather didn't have the experience or ability for the job that Frase possessed, but he knew the politics of the situation.

* * *

He lined up the votes of his colleagues and, through trades, it is said, was able to pull down the finance department while Frase was shoved into the department of parks, for which he had no training or special liking at that time.

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These are defects in our present system which should be speedily removed.

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Realizing this, A. O. Hauge, one of the representatives from Polk-Co. in the Iowa legislature, has introduced a bill in the general assembly, which is designed to eliminate both faults.

* * *

Hauge's bill will force candidates for commissioner to file a statement with the city clerk as to the particular department in the city government, to which he aspires, whether it be finance, safety, parks or streets.

He will then compete in the primary against candidates running for similar office, instead of battling the entire field of commissioner candidates as is now the case.

* * *

Instead of voting blindly for various candidates, without knowing what jobs they are going to fill, he will have some idea as to the fitness of the men for the offices which they seek.

For example, a candidate for safety commissioner will have to show just what qualifications he has for that job and how the people will benefit by electing him to it.

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At present all candidates talk in general terms, offer no specific treatment for specific ailments and depend upon politics and oratory to put them over.

ENFORCING THE CITY PLAN

BY FRANK B. WILLIAMS

How to protect the city plan without restrictions on private property which the courts deem unreasonable. :: :: :: :: ::

A MOST serious defect in the city-planning law of this country is the lack of any method of making the principal features of the plan binding upon the land included within it. One of the main purposes of a city plan is to correlate the public works undertaken by the city from time to time, so that, without duplication or waste, each of them may form part of a scheme adapted to the fulfillment of the needs of the next twenty-five or fifty years. Useful as a plan without binding force often is, it inevitably fails of fulfillment in many important particulars unless the observance of it is made obligatory. In so far as the city itself is concerned, there is no legal difficulty in framing a law which shall have this effect, and in a few of our states cities are authorized to adopt a plan which shall govern all future construction by the city until amended in due form; more than a majority vote of the council and a previous reference to the city-planning committee or a similar authority for investigation and report being sometimes required for such amendments.

ENCROACHMENTS ON THE PLAN

Admirable as is a provision making the city itself conform to the plan, it will not ensure the construction of the public works as planned unless the city has, or can obtain at a reasonable price, the land which these works require. The current financial demands of the modern city are so great that it can seldom purchase land in advance of present needs. Unless, therefore, some method is devised of preventing the owners of the land planned from making improvements within the lines of planned public works, the expense of acquiring the land, when the city is ready to undertake the work, will, in many cases, be prohibitive, and important features of the plan will, inevitably, be abandoned. This the history of city planning in this country only too clearly proves.

In other countries where city planning is practiced with success, the plan of streets[1] is protected from the encroachments of the land owner, without expense to the city, under a power analogous to our police power, by providing that if at any time after the adoption of the plan the land owner places improvements in the bed of mapped streets, he shall receive no compensation for these improvements when his land is taken for the street. This system has been in operation for many years, not only in Roman Law countries, but in England and Canada, whose laws and traditions are so like our own; and has not been found to be unjust to the land owner. The street is essential to the land owner in the profitable use of his land. The only right of which the plan deprives him is the right to build in the bed of mapped streets between the time when the plan is adopted and the time when it is carried out. In the vast majority of cases this right is worthless both because if the plan is a good one it indicates where the street and the building should be for the best interests of the land owner and because if the plan is carried out seasonably the street will be built before there is an economic demand for the building.

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[1] And in some cases, a few other features. There are modifications of the foreign laws whose

HOW THE COURTS LOOK AT IT

The need of protecting planned streets from the encroachments of land owners has always been appreciated in this country, and, at various times many of our states have passed laws for that purpose. Everywhere in the United States, however, except in Pennsylvania, these laws have been held to be a taking from the land owner of a right of use in his land and, therefore, to be contrary to the provision of our constitutions that no man shall be deprived of property for a public use without just compensation. The increased interest in city planning within recent years in this country has revived and strengthened the demand for some method of establishing the street plan on a secure basis, as is done abroad; and many suggestions have been made for the accomplishment of this result in a constitutional manner. It has been suggested that the city, when the plan is adopted, purchase or condemn an easement or option in the land, to acquire it, when needed, at its unimproved value; but the expense of the purchase of this right, with the proceedings to acquire it, added to the expense of taking the land, later on, would unquestionably make the land cost the city too much. It has been suggested that the land owner, intending to improve land in the bed of mapped streets, should be required to give the city six months' notice, within which to acquire the land; but this instead of protecting the city would furnish the land owner altogether too easy a method of forcing the city to buy his land at his pleasure, instead of at the pleasure of the city. It has been suggested that an amendment to our state constitutions be urged giving cities the right to adopt plans binding land owners, as in Pennsylvania. At best, such amendments could be passed only after a long struggle; and it is to be feared that they would be held by the Supreme Court of the United States (which has not as yet passed on the question) to be contrary to the federal constitution. It is true that with proper city planning a good plan will be made for undeveloped territory and will be carried out seasonably; but in this country the probability of good

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purpose it is to avoid hardship to land owners in special cases; but since in the opinion of the writer they do not offer a solution of similar problems in this country, they have been omitted from the statement of the foreign rule. It should be noted, however, that even abroad, mitigations of the law have been found to be necessary.

administration is not regarded as a sufficient safeguard against injustice in exceptional cases, as it is abroad. And there are many cases, especially in portions of the city already more or less built up, where injustice might be done. Take the case of a lot, all or an undue portion of which lies in the bed of a future street. The owner has nothing to gain by the street; and if, as often happens, its construction is delayed beyond the time when the lot might with profit be built up, the owner for many years must pay taxes on the lot, but cannot get any return on it. Again, suppose a deep lot on an existing street with a factory on the front portion of the lot and a proposed street planned to occupy its rear portion. The entire lot would hold with advantage perhaps two additional factory buildings. If the owner wishes to construct one such building, he can put it in the middle of the lot, and there is no loss to him in depriving him of the use of the bed of the mapped street; but if, in course of time, he needs a third building, the only land for it is the land to be used for the future street; and it is unjust to deprive him of the only use he can make of that land for many years. It is no answer to his claim of damage that when the rear street is built his land will be benefited, for under proper laws he must pay for that benefit when it comes. And the city may change its mind and never build the street; in spite of the fact that for years it has kept it on the map.

A NEW METHOD OF PROTECTING THE PLAN

A method of making a city plan of streets and perhaps a few other features binding upon property owners which, it is submitted, would be just to them and valid under our constitutions, was proposed by the writer at the last session of the National Conference on City Planning. In the discussion which followed, Edward M. Bassett, Esq., suggested the addition of a board of appeals, and the proposal is here given, with this most important change, in the hope that it may lead to a solution of this difficult problem.

It is suggested that municipalities shall be authorized by state law to adopt plans binding upon them until amended in due form. If a land owner desires to locate an improvement in the bed of a mapped street or within mapped building lines (or perhaps on land destined, by the plan, for a small park or playground, or the site of a public building) he shall apply, in the building permit, for permission to locate an improvement contrary to the provisions of the city plan; and when, ultimately, the land is condemned he shall recover no damages for the improvement if it is so located without permission. The city, through its building department or other proper authority, shall grant this permission only when its refusal will unavoidably do the land owner substantial economic injury and in this connection shall take into consideration the possible uses of other land in the neighborhood belonging to the same owner and the possibility, in whole or in part, of changing the improvement or its location.

From the decision of the building department refusing permission to locate contrary to the city plan, there shall be an appeal to a board of appeals, who shall have the power to grant the permission with conditions calculated to lessen or altogether to avoid the expense to the city due to improvements when, later, the city condemns the land; no appeal to the courts being allowed until after resort to the board of appeals. This provision would both mitigate most if not all the hardship which the law might otherwise cause the land owner in special cases and make the law less vulnerable before the courts. In both these respects a board of appeals would in this connection render a service analogous to that which it has so admirably performed under zoning laws.

Illustrations of the service which a board of appeals could render in the administration of this provision of the planning law are numerous and varied; and of these illustrations I will cite three.

If a land owner desires to erect a brick structure in the bed of a mapped street, the board of appeals could offer to authorize a wooden building, pointing out that such a building could be amortized in a given number of years, with a fair return to the land owner on the value of his land. No court would hold that (in the absence of other complications) the land owner was rightly aggrieved to whom such an offer was made, even if he could obtain a larger amount by violating the city plan, contrary to the general interest; for if the return is a fair one he is not unjustly deprived of his property.

If a building were proposed a part of which only would project into the future street, the board of appeals could offer to consent to a building of which the projecting portion was only one story high; backing up the proposal by plans showing the suitability and yield of such a building in such a location.

If the city intended to build the street within, perhaps, five years, the board could be authorized, with the consent of some proper city authority, to agree with the land owner that the city would build it within that time. This agreement would usually make it certain that the location of the building with relation to the future street, so soon to be built, was the most profitable one, especially if the building was to be an expensive one.

A provision making a few of the essential features of the city plan binding upon the land planned is essential to the success of city planning in this country. The provision here suggested would seem to accomplish everything which is secured by the provisions for the same purpose of foreign laws, by methods already familiar in this country, and therefore more likely to win the approval not only of city planners, but of our courts.

THE BUILDING GUILDS OF ENGLAND

BY CHARLES HARRIS WHITAKER

Editor, Journal of American Institute of Architects

Behind the building guilds of England there lies a background that reaches far back into history,—to the time of Asoka, for example (300 B. C.), when the sacred guilds of India were not only the revered guardians of the traditions of craftsmanship, but when their members were the chosen interpreters, through the symbolism of architecture, of the religion of the people. Of more modern days, and better known generally, were the medieval guilds, where craftsmanship and the honor of a vocation were honored above gain. The rise and decline of the medieval guilds might very profitably be studied in these days, for there is much in the present situation that resembles their history. Especially might they be studied by those ardent advocates of art, who in their ardor seem to have forgotten the relationship of free workmen to the exercise of the creative impulse.

In England, for some years, the National Guilds League has been building a new concept of vocational or functional organization, as opposed to the present system of organization by crafts or trades. Its premises are based upon the eventual actual organization of all industry on guild lines. Those who work in any industry, whether with hand or brain, are to direct and control that industry. The whole guild system is further predicated upon a new theory of economics and a new political concept of the state. Those who are curious in the matter may find ample literature on the subject.[1]

THE BUILDING TRADES PARLIAMENT

Just before the war, the building industry in England was on the verge of a bitter struggle. Its long history of lockout and strike, of contention and quarrel, was about to culminate in a national grapple between the two forces. With the outbreak of the war, a truce was declared, and it was then that the more far-seeing men in the industry began to cast about for a basis on which the industry might be efficiently revived after the war. This led to the formation of the Building Trades Parliament, composed of an equal number of delegates from the employers' and the employes' organizations. As both sides are highly organized in England, the parliament is a very representative body. In 1916, it appointed a committee, among others, on scientific management and reduction of costs, charging it with the tasks suggested in its title. In August, 1919, the committee handed in its report, which has remained as one of the most striking contributions to the studies of industry that have resulted from our post-war difficulties.

The striking character of the report was greatly emphasized by the fact that the committee whence it emanated was composed of eight employers and eight employes. These sixteen men sat down together not primarily to see what could be done to meet an emergency, for the war had still kept government control intact, but to find out what was the matter. They began sensibly. Generally the prescription precedes the analysis instead of following the diagnosis. The report they presented was therefore not a partial pronouncement, or a piece of special pleading.

In substance the committee found that "unemployment" was the curse of the building industry, but in its conclusions for dealing with this primary difficulty, it found itself obliged to recommend that the building industry of England be transformed into a public service. It suggested the method by which this could be accomplished, and laid down certain principles for dealing with both employer and employe. But the essentials of the report correspond very closely with the guilds concept, and no doubt the report helped a good deal in the final emergence of the building guilds. The first one was incorporated in Manchester, some months after the report mentioned. It was promoted by the bricklayers of that city, and the secretary chosen was Mr. S. G. Hobson, one of the recognized leaders in the guilds movement. So swiftly did the idea spread, that the Manchester Guild found no difficulty in enlisting the active co-operation of all the trades represented in building, and it then made a bid to the corporation of Manchester for the erection of some 200 houses.

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[1] Guild Socialism, by G. D. H. Cole. F. A. Stokes Co., N. Y. Proposed Roads to Freedom, by Bertrand Russell. F. A. Stokes Co., N. Y. Guild Principles in War and Peace, by S. G. Hobson. Old Worlds for New, by A. J. Penty. The Meaning of National Guilds, by Reckit and Bechoffer. Guilds and the Social Crisis, by A. J. Penty. See also the *Journal of the American Institute of Architects, 1919-1921.*

THE GOVERNMENT NOT SYMPATHETIC

It has been but natural that the building guilds movement so far has centered about the erection of houses. Likewise it is also true that the demand for houses and the complete failure of the old contract system, largely speculative as it is, to produce houses, helped the guildsmen in winning interest and popular approval for their venture. But as all house building is now practically under government control in England, the guilds were obliged to have their contracts approved by the Ministry of Health, the department having jurisdiction. There they encountered a long and trying delay. The guild's proposals were novel, and they were distinctly upsetting to men who believed that the only way to build was under the old contract method. The guilds' bids were based in the first place upon the union rate of wages and continuous pay to all workers. In the second place, there were to be no profits. A certain percentage was to be paid on the cost of the work, out of which to pay for plant required, and unemployment. The government, after delaying the acceptance of the guilds' bids for many months,—bids involving some millions of pounds and approved by the municipal authorities involved,—finally agreed to sanction twenty contracts. But the pressure of the old employers' group, inserted almost from the start, was continually increasing, and it was only by dint of the hardest kind of work that the twenty contracts were finally passed by the Ministry of Health. As the work progressed, resistance increased. It was plain that the guilds were going to show a record for building costs such as would confirm their theories. And this proved quite true. The figures for building the first houses, under the guilds, at Bentley, in Yorkshire, show that they have been able to build a house for £200 less than similar houses built under the old contract system at the same place. Probably a hundred contracts would be signed now, with the guilds, by municipalities all over England, were it not for the embargo that the Ministry of Health has laid upon this method. Those who wish to see the guilds have a fair trial,—and it seems incredible that any sensible person could wish for less,—find the action of the Ministry of Health to be not only stupid, but sinister, since it offers abundant proof, as the guildsmen contend, that the whole opposition of the ministry is based upon the "pull" exerted politically by the building employers' organizations.

THE GUILDS AT WORK

At the same time, the guilds are working out their twenty contracts. There seems every reason to believe that the completion of others, following upon that of Bentley (where the figures are certified by the authorities), will indicate that the guilds can build not only as well, or better, than under the old contract system, but also cheaper. If this is true, what ought to be the answer?

The failure of the employing group to understand the human concept of the guildsmen is plainly evidenced in their method of argument. They upbraid the bricklayers, for example, who lay about twice as many bricks per day on guild work as on contract work. But the answer is that under the guilds system the bricklayer is not interested in sabotage, the obstructive method universally employed in all industry to-day as a means of holding up prices. The guildsman is literally "on his own"; he is not working for a contractor's profit; he has a voice in the government of his industry; he is not chafing and worrying over the specter of unemployment, for the guild pays him on rainy days when he cannot work. It is part of the guild concept that each industry should provide for any unemployment, and that no industry should be able to throw its workers, when not needed, back on the community. In other words, the old theory of a reservoir of unemployment, to be emptied and filled at the will of the employer, is contrary to the guildsman's concept of industry. Ought it not to be contrary to the theory of any system of conducting industry, when one stops to think of it?

THE GUILD IDEA

Taking the affirmative, one naturally finds oneself confronted with a variety of problems. Their very complexity seems to render them almost baffling, for they invite attention to a whole new theory of industrial organization,—the one based primarily upon the theory that there is work enough for all and that industry ought to be organized for that purpose, and not, as at present, around the competitive price system. A guildsman would point out what is becoming very plain to impartial observers, that industry to-day is of necessity controlled not by the technical factors involved,—not by the theory of producing the greatest possible quantity of any given product in order that all may have enough,—but by the financial demands which are predicated upon profit, and which insist that we shall not have abundance and low prices, but that we must have scarcity in order to have high prices. Farmers burning their cotton, or their wheat, factories shutting down to "improve the tone of the market," raw materials pooled in order to hold them out of the market until the price can be raised, food products warehoused and stored for the one purpose of raising prices, trades union leaders holding up work as a means of extorting bribes, workmen reducing their output as a means of keeping themselves in work, lenders of money demanding bonuses for housing loans,—all of these practices commonly known and universally sanctioned are in reality nothing but systematic obstructions introduced into the stream of production flow in order to dam it up for the purpose of raising prices. Never, and that must be thoroughly understood, for the purpose of increasing the production flow, although there is not a moment when the whole flow of production could not be absorbed by a happy people if it were not for the financial factors which stand as a barrier to its distribution and consumption. Hence, what is commonly called "overproduction" is in reality nothing more than "underconsumption."

The guildsmen of England see industry as something of vital concern, into the functioning of which financial factors ought not to be allowed to intrude and obstruct the flow. Their theory of "not working for a profit" has caused a good deal of discussion. Naturally it is bound to. But an acceptance of that theory, after it is well understood, is basic if one is to follow the whole theory of guilds organization. But "no profit" does not mean "no pay," nor does it mean one level of pay for all work. It means a fair pay for the work performed, whether of hand or of brain, and it means a system of self-governing industry in which all who participate shall have a voice in fixing remuneration, the terms of apprenticeship, conditions of work, and above all, and perhaps beyond all, the quality of work done. (Naturally this broad control involves the rights of the consumer and his protection against unfair wages, but that is provided for in the guilds program.)

The guilds do not revolve about material factors alone. Predicated as they are upon theories quite contrary to those that now govern and control the operation of industry, does not mean that the guilds are purely a material affair. To restore the creative impulse to industry is quite as much their purpose as to effect production and distribution such as will insure abundance instead of scarcity. This is certainly one of the reasons why the building guilds have spread, like wildfire, throughout England. The workers under the guilds system are indeed restored to their heritage of craftsmanship. It is the guild which dictates the quality of work to be done and not the financial factors involved. Certainly nothing could be more for the betterment of human shelter, no matter what its kind, than an improvement in quality of work done. Resentment at the quality of work compelled under the competitive contract system in building is a far greater factor in that malady so glibly denominated "industrial unrest," than is commonly reckoned.

THEY ARE BUILDING HOUSES

The building guilds of England have contracted for some millions of housing. That which has so far been completed has passed all tests of quality, and has shown a great saving in cost. Such an experiment, based upon the principle of self-government, of full-time pay (and that is a tremendous factor, the importance of which is too often forgotten in the consideration of many so-called "wage problems"), of no contingent profit, but a wage based on the prevailing union schedule, of the functional organization of all who build, from architect to hodcarrier, cannot but demand an impartial and conscientious scrutiny from whosoever has the intelligence to see below the surface of the present industrial tangle. Whether the building guilds of England shall survive is a question that no man may answer at this moment. If their successes continue, it seems difficult to believe that the English people will prefer to pay more for their buildings by reverting to the method which has so far failed so signally, either to produce good building cheaply or to satisfy either the material or the spiritual needs of those upon whom the building industry depends.

Even those who admire the spirit of the guildsmen, and are themselves concerned with the problems of our industrial system, often express doubts as to whether the guilds' appeal will serve to hold the movement together. Can a rational society be evolved through the guilds? Who knows? Much will evidently depend upon the degree of fair play that is extended to the building guilds, for they are an actuality, not a theory, and they have really built some hundreds of houses, will ultimately build many hundreds more, and they are now organizing to enter the field of private building of all kinds.

THE BUDGET IN THE MODEL STATE CONSTITUTION

BY A. E. BUCK

National Institute of Public Administration

THE need for a budget system in controlling the finances of state governments is now admitted by practically everyone. In fact, forty-five states have already provided by statute or by constitutional amendment for the establishment of such a system. There is still, however, considerable difference of opinion upon the method by which a budget system should be established. The main questions at issue are two—the second being a corollary of the first. Should the state budget system be established by writing some provisions in the constitution? If so, what budgetary provisions should be written in the constitution?

So far, three states (Maryland, Massachusetts and West Virginia) have written budget provisions in their constitutions. With most of the other states the budget system has been "on trial." Although a number of the states have amended their budget laws from time to time, or have passed new budget laws repealing the old laws, the experience of these states without exception has been such that not one has thought of abandoning the budget system. On the contrary, there is a growing opinion among the states that it has vindicated its usefulness to such an extent that it should be made a permanent procedure for state governments. In order to give it this permanency, it should be written in the state constitution. When this is done the system will not be susceptible to every political wind that blows; consequently, it will be much more effective as a method of conducting the state's business. The National Municipal League's committee was unanimously of the opinion that certain general provisions for a budget system should be included in the model state constitution.

When it came to drafting the budget provisions the members of the committee agreed that only the bare essentials of budgetary procedure should be incorporated in the model constitution and that all details should be left to a supporting statute. As a basis for determining these essentials the committee started with the principle that financial planning for the going concern of government is initially a function of the executive; therefore, the governor should be responsible for the preparation of the budget. But it was agreed that the application of this principle should not operate to curtail legislative power or control over the appropriation of public funds.

GOVERNOR TO DIRECT THE PREPARATION OF THE BUDGET

The budget provisions of the model constitution presuppose a compact administration composed of about a dozen departments, the heads of which are directly responsible to the governor (see discussion in NATIONAL MUNICIPAL REVIEW for April, 1921, pp. 226–232). Such an organization enables the governor to prepare a comprehensive budget plan and, what is even more important, it places him in a position where he can really carry out the plan when the legislature has authorized the appropriations.

It is assumed that the new governor will take office about two months before the opening of the regular session of the legislature. In fact, preceding sections of the model constitution provide that the governor will be inaugurated on the first Monday in December and that the legislature will meet on the first Monday in February. This provision remedies the situation existing in a number of states where the outgoing governor prepares the budget for the incoming governor and his administration. It allows sufficient time for the new governor to get the budget in shape for presentation to the legislature at the beginning of the session or not later than one week after the session begins. There is also an advantage in requiring the budget to be submitted to the legislature early in the session; it gives plenty of time for committee consideration and review by the members themselves.

It is presumed that the governor will have a permanent budget staff agency either in a department of finance or attached to his own office, which will work under his direction in the preparation of the budget and will be engaged in gathering budget information throughout the year. Such a staff seems quite essential to successful budget-making since budget needs are determined largely on the basis of past experience.

For the preparation of the budget the various departments, offices and agencies are required to furnish the governor such information in such form as he may require. This provision applies to the courts, the legislature and all agencies of whatever character requesting or receiving financial support from the state. It implies that the governor through his staff agency is to provide a budget classification and standard forms upon which the estimates are to be submitted. The time for submitting the estimates and definite responsibility for their preparation may be fixed by statute.

FORM OF BUDGET DOCUMENT NOT SPECIFIED

Nothing is specified as to the form and contents of the budget beyond the general statement that the document must set forth "a complete plan of proposed expenditures and anticipated revenues" for the next ensuing fiscal year. As yet the budget movement in this country is not old enough to have developed a standard form to be followed in making up a budget document. So far, different states have found it necessary to emphasize different features of the financial plan. Where detailed provisions on the form of the budget have to be written in the constitution, as is the case in Maryland, they have hindered rather than helped the making up of a concise and easily understood document. The development of the technique of properly presenting information in the budget document should not be hampered by constitutional provisions. Our budget experience up to this time indicates pretty clearly one thing: that the complete budget plan—all proposed expenditures and the means of financing them—should be and can be presented in a single-page statement, the remainder of the budget document to consist of supporting schedules to this statement. If the governor proposes expenditures in excess of the anticipated expendable resources of the state, this fact should be clearly shown; and it should then be the duty of the governor to recommend additional means of meeting the proposed expenditures. Otherwise his budget plan will not be complete.

GOVERNOR TO SUBMIT APPROPRIATION AND REVENUE BILLS TO LEGISLATURE

The governor, at the time of submitting the budget to the legislature, is required to introduce a general appropriation bill containing all the proposed expenditures set forth in the budget and likewise a bill or bills covering all recommendations in the budget for additional revenues or borrowings by which the proposed expenditures are to be met. There are three very good reasons for this provision. When bills to carry out the budget plan are submitted with the budget, the legislature has something concrete to refer to its committee and to set to work upon; otherwise the legislature may be inclined to regard the budget merely as an administrative report and for that reason give little attention to its recommendations. By this procedure the governor is given an opportunity to set up in the appropriation act whatever degree of itemization he thinks is necessary and to suggest the terms and conditions to be attached to the appropriations. Furthermore, if the governor proposes to expend more money than can be raised under the existing revenue laws, he should propose measures by which additional funds are to be raised; the legislature should not discuss and pass upon appropriations without considering, at the same time, the sources of income to meet them.

GOVERNOR'S APPROPRIATION BILL GIVEN PRIORITY IN THE LEGISLATURE

The legislature is required to pass upon the general appropriation bill and any emergency appropriations recommended by the governor before taking up any appropriation bills introduced by members of the legislature. This provision gives precedence to the budget program. It aims at bringing about early consideration of the budget plan by the legislature and at keeping the attention of the members of that body concentrated on the plan until it is finally acted upon. Emergency appropriations cannot be made for a longer period than the date when the general appropriation bill becomes effective.

LEGISLATURE NOT LIMITED IN ITS ACTION ON GOVERNOR'S PROPOSALS

The legislature is not limited in its action upon the general appropriation bill. It may amend this bill by increasing, decreasing, or striking out any of the items, or by adding new items. As a safeguard against ill-advised action on the part of the legislature either in changing the general appropriation bill or in passing special appropriation bills, the governor is given the power to veto, as a whole or in part, items in such bills. As a further check the legislature is not allowed to appropriate for any fiscal period in excess of the expendable resources of the state for that period.

Only the Maryland budget amendment and those amendments or laws which have been copied from it have placed restrictions upon the power of the legislature to increase the governor's budget proposals. Of the five states which adopted the Maryland provision, New Mexico and Nevada have eliminated it from their budget laws. Utah is dissatisfied with it and likely to eliminate it at this session of the legislature, and Indiana's proposed budget amendment (copied from Maryland) failed to pass the recent legislature a second time largely on account of this provision. West Virginia has the provision embodied in a constitutional amendment. The experience of both Maryland and West Virginia on this point has not been very satisfactory. It would seem that such a provision is practically unnecessary in a state government where the administrative organization centers responsibility in the governor, as is proposed under the model constitution. If the legislature should appropriate more money than is necessary to carry on the activities of the government, the governor can prevent the expenditure of it since he is in complete control of the activities. The only need, then, for such a provision is to catch the appropriations that may be made for local purposes, the expenditure of which is not administered by the governor. In such cases the governor has the right to exercise his veto power and consequently prevent the appropriation from becoming law unless it is repassed by a two-thirds vote of the legislature, in which case the responsibility is clearly upon the legislature.

LEGISLATIVE PROCEDURE ON THE BUDGET

The legislature, which is to be a unicameral body, is required to hold at least one open session in its consideration of the budget at which taxpayers and the general public may appear and be heard on any of the budget proposals. One-fifth of the members of the legislature may require the governor to appear before the legislative body to explain the budget, or it may require the governor or his designated representative to appear before any of the legislative committees. This procedure is designed to give a minority group in the legislature a chance to criticize the budget plan and by this method to interest and inform the general public. The governor may voluntarily appear before the legislature and discuss the budget. Under other provisions of the model constitution he and his department heads are given seats in the legislature, but without votes. It is presumed that the legislative procedure which is used will be such as to give full publicity to the consideration of the budget at all stages in its passage through the legislature. It is intended that all budget problems will be handled by a single committee. This will tend to preserve the unity of the budget plan and will avoid the bad practice in a number of states where five or six legislative committees work independently on different phases of the budget plan at the same time.

INDEFINITE AND CONTINUING APPROPRIATIONS ELIMINATED

Finally, as a check against indefinite and continuing appropriations, it is provided that no money shall be paid out of the state treasury except in accordance with specific appropriations made by law, and that an appropriation shall not confer authority to incur obligations against it after the termination of the fiscal period to which it relates. This enables all accounts to be closed at the end of the fiscal period and a complete budget to be set up for the ensuing fiscal period. Appropriations for capital purposes which cannot be materialized within the fiscal period should lapse at the end of the period and new appropriations should be made for continuing the work. Indefinite and revenue appropriations should not be made, as neither can be properly controlled. All revenues should go into the state treasury and expenditures should be made only upon definite appropriations by the legislature. Continuing appropriations have recently been abolished by law or discontinued in practice by several of the states. Wisconsin is the most notable example of a state having a system of continuing appropriations.

THE NEXT STEP IN CIVIL SERVICE REFORM

BY W. E. MOSHER

National Institute of Public Administration

The next step in civil service reform is an administrative agency with power over work relations, conditions and environment. The civil service commission is to have the full function of employment management. :: :: :: :: :: :: :: :: ::

A REVIEW of the history of civil service reform will show that there have been, up to the present time, two distinct and important steps taken in the direction of an efficient civil service. The first was prohibitive in nature, having reference to a specific abuse. The original civil service act of 1883 aimed to guard the entrance into the service against the abuses of the spoils system. The second is corrective and regulatory in nature, having reference also to a specific abuse. I refer to the inequalities in the salary scale of any typical group of civil service workers. As is well known, Chicago blazed the trail in 1909 for the classification of positions on a duties' basis as the essential initial stage in setting up an equitable salary scale. A third step in advance, which is just now getting under way, is corrective and constructive in nature, having reference to the whole round of employment conditions and relations. I refer to the policy that has already been adopted in part in certain jurisdictions to make of the civil service commission an administrative agency with authority to investigate or stimulate investigations and to administer or to supervise the administration of all those influences in the work relations and work environment which affect the worker and his efficiency. This would cover everything from hours and wages to office conditions. This policy is based on the practice of modern scientific management in the industrial field and on the conviction of the most enlightened employers that the human part of the plant is worthy of the same sort of intelligent analysis and control as the mechanical, or, to state it more technically, that a high rate of productivity requires sound personnel management, as well as sound purchasing, maintenance and sales management.

If interpreted broadly, this third step is the final one in civil service reform, for it involves the establishment of an organization that will be responsible for the correction of any and all abuses that may arise in civil service relations. Moreover, if it functions properly it will go even further, for its functions include not alone the anticipation of abuses and the elimination of causes of abuses in advance, but also the initiation of measures that will build up the tone of the service and awaken in it a truly creative *esprit de corps.* This last is the ultimate test of successful employment management whether in civil or industrial and commercial service.

Such reasoning led the Training School for Public Service of the Bureau of Municipal Research to offer, in 1918–19, a series of courses in employment management in co-operation with the War Industries Board—such courses as were being given in various schools and universities all over the country. Although the main body of the students was made up of those sent from industrial establishments, there were always one or more students who came from the civil service field. In taking up the special problems of such students it was found that there was never any reason to seriously modify the fundamental principles of employment management that had been generally accepted.

I feel the more convinced of this after having made the effort, as a member of the directing staff of the joint congressional commission on the reclassification of salaries, to apply these principles to the employment policy of the federal government. It will be found on examination that the policy that has been incorporated in the bill of the reclassification commission, or recommended in the report accompanying the bill, corresponds in all of its fundamental features to the policy that is embodied in the standard principles of modern employment management.

Although this policy has not yet been enacted into law and therefore tested out in practical operation, it has been so thoroughly scrutinized and criticized by representative congressmen, civil service administrators and employes that there is every reason to assume that in its main features it will be ultimately adopted.

Certain outstanding considerations that may be applicable to other jurisdictions as well may be derived from the effort made in the work of the reclassification commission to develop a well-rounded and up-to-date employment policy for the federal civil service.

CENTRAL EMPLOYMENT AGENCY NEEDED

First and foremost among such considerations, as I have previously indicated, is the fundamental importance of establishing a central agency endowed with some degree of administrative power, or at least with the right and obligation to investigate, report and recommend to the administrative head or legislative authority with regard to employment conditions. It is the belief of those who have given this matter special attention that such centralization of supervisory control would largely eliminate the difficulties commonly arising among civil service workers.

As this is so important a consideration it will be profitable to analyze the causes of maladjustments frequently occurring in the civil service.

It seems to the writer that most difficulties to-day are to be charged: (1) either to more or less inflexible control in certain directions on the part of the legislative body, or (2) to such a distribution of authority among a shifting group of administrative officials that impartiality and zeal, favoritism and neglect, jog comfortably along side by side.

As to the first, legislators naturally think in terms of law and express themselves in terms of law. But in its very nature law is likely to become static; and it is unlikely to brook exceptions. Numerous instances might be cited to prove the harmfulness of remedying employment conditions by means of sweeping legal regulations. Legislative bodies because of their natural method of articulation and control—namely, by means of legal regulation—are probably peculiarly unfit to administer employment conditions that are, by their very nature, so little given to standardization and predetermined treatment. Without further argument one may conclude that successful personnel administration is far removed from administration by legal enactment. Success lies rather in the direction of vesting broad discretionary power in an administrative agency that is responsible to and also has ready access to the legislative body.

The second reason for charging a central agency with the responsibility for supervising employment relations is that the administrative heads—normally political appointees—come and go, both the good and bad, the experienced and the inexperienced. This makes for a certain element of irresponsibility, but it also leads to a bewildering variety of practices affecting the employes. Moreover, tradition plays a very decided rôle. The average administrator, realizing the more or less temporary character of his tenure of office, is likely to accept the things that be.

A SATISFACTORY CAREER THE GOAL

Although it is perhaps most natural to refer first of all to the abuses which a central employment agency might eliminate, I conceive of it, however, as engaged largely in constructive activity, and shall, therefore, develop its activities from this point of view. At the very outset I would emphasize that its goal and target is to make possible and to assure the worker the only thing that makes life worth while, *i.e.*, a satisfactory career.

Briefly stated the conditions that must be observed to accomplish this are the following: a fair wage, opportunity for growth and promotion, recognition of work well done, healthful and safe working conditions, and, finally, adequate opportunity for self-expression in the work itself as well as in determining the conditions surrounding it. This is the program of a modern employment agency, and it adopts this program confident that every element in it can be justified in terms of increased returns and improved service.

The degree of activity of a central agency engaged in carrying out the different functions implied in the program just outlined will vary. In some directions its activity would consist in co-ordinating the policies of the various administrative units; in others, it would resolve itself into stimulating administrative officers to initiate and co-operate in carrying out a common policy; in still others, it would become simply a matter of general supervision. But in every phase its success will be conditioned by its ability to establish and maintain cordial co-operation with both the administrative heads and the rank and file of the workers and its tact and resourcefulness in presenting an employment policy to them that is both sound and practicable.

If the civil service commission, the natural agency to undertake this work, is selected as the personnel organization, it would necessarily have to become a part of rather than apart from the rest of the administration. The latter is all too often the case to-day. Without interfering with the autonomy of the organizations involved, its representatives should keep in such intimate contact that they cannot alone make careful job analyses for the purpose of filling positions better and keeping the classification current, but that they also may contribute constructively toward developing a vital *esprit de corps*, the final goal of any employment policy worthy of the name.

DUTIES OF THE CENTRAL AGENCY

Having reviewed the chief reasons for centralizing responsibility, it will be in order to consider the functions of a central personnel agency for civil service in some detail. They may be summarized under five headings: (1)

employment, (2) research, (3) training, (4) health and safety, (5) joint control. The first two are administered directly by the central agency. Its function as to training is to stimulate and co-ordinate; as to health and safety, to supervise in a general way the activities of a medical staff and a safety engineer working on part or full time; as to joint relations, to recommend the organization of and to co-operate with representative advisory or personnel committees.

To discuss briefly the scope of these activities under (1) employment are included the functions of recruiting, selection, follow-up, development of a uniform efficiency rating system, transfer, promotion and personal records. Under (2) research is to be understood job analysis and specifications, the development of more practical and effective tests and examinations, wage and cost of living studies.

The activities listed under the first two functions are sufficiently understood to be acceptable without further argument. This is not the case as to the remaining three. Therefore they will be treated in some detail.

The third function, training, would require a survey of the policies now in operation as to the methods of introducing a new appointee into the work of the organization and also of the opportunities now offered for training for promotion. Such a survey would lead to the formation of special courses adapted to the work of the service for which there seemed to be need or demand, these courses being given either within the service or in co-operation with the public schools or other institutions of learning. The personnel department must be alive to the need of devising means whereby unsuspected talent may be discovered and developed, and ambition may find an appropriate outlet. For younger recruits, particularly, the opportunity for growth is more important even than a satisfactory wage.

Training and promotion are inextricably bound together. The civil service commission that does not develop a well-balanced promotion policy which is closely knit together with a sound training policy is failing to take the second most important step—the first is naturally a proper salary scale—toward rehabilitating the civil service.

HEALTH AND SAFETY

As to health and safety (4), the federal government and more than one state government have permitted a laxity in the supervision of working conditions that would not be tolerated by most progressive employers and wide-awake factory and building inspectors in our leading states. From one report alone that was submitted to the reclassification commission by the public health service one reads of tubercular and syphilitic persons working in one department side by side with their fellows. From another source, of a victim of tuberculosis who was discharged by one department from fear of contagion and taken on by another that was never informed of the danger.

Factories have found that health supervision, emergency attendants rest rooms and visiting nurses pay big returns in terms of what the English call better "time-keeping." Washington has discovered the same thing in a few bureaus, but not in most. There are to-day literally tens of thousands of clerks who have no access to rest rooms and no expert or even first-aid assistant at hand in time of emergency.

Those less obvious factors that influence both efficiency and health, such as temperature, humidity, ventilation and lighting, are controlled only by chance in the average civil service establishment. I imagine that each reader can recall from his immediate experience offices or work rooms where good standards with respect to such working conditions are grossly violated. This applies as well to safety standards. The federal government with elevators minus all safety appliances, doors opening inward, lack of proper fire escapes and means of fire protection is probably not unique among civil service jurisdictions.

These matters that have been nobody's business heretofore may reasonably be put under the general control of the personnel organization, which should probably be empowered to enlist the co-operation of the board of health and the engineering department.

DEMOCRACY IN THE CIVIL SERVICE

Finally, joint control. In theory, at least, the leaders of industry have gone on record as in favor of a measure of joint control—now frequently called industrial democracy. The question naturally presents itself as to whether the administration of a democratic government should not also be expected to function democratically; if not to assume the leadership, at least to make a start on the path that has already been blazed by a number of progressive private employers.

There is no time to weigh the pros and cons of this suggestion. I can only say that the reclassification commission proposes the formation of an advisory council—representative in character—that would work with the civil service commission and bring to bear on the formulation and amendment of civil service policies the judgment and interest of those most concerned and most competent to advise. The reclassification measure also provides for the appointment of representative committees in each of the organization units and their major subdivisions. It is recommended that they might in the first instance handle grievances, initiate efficiency ratings, consider and make suggestions as to the work process and working conditions.

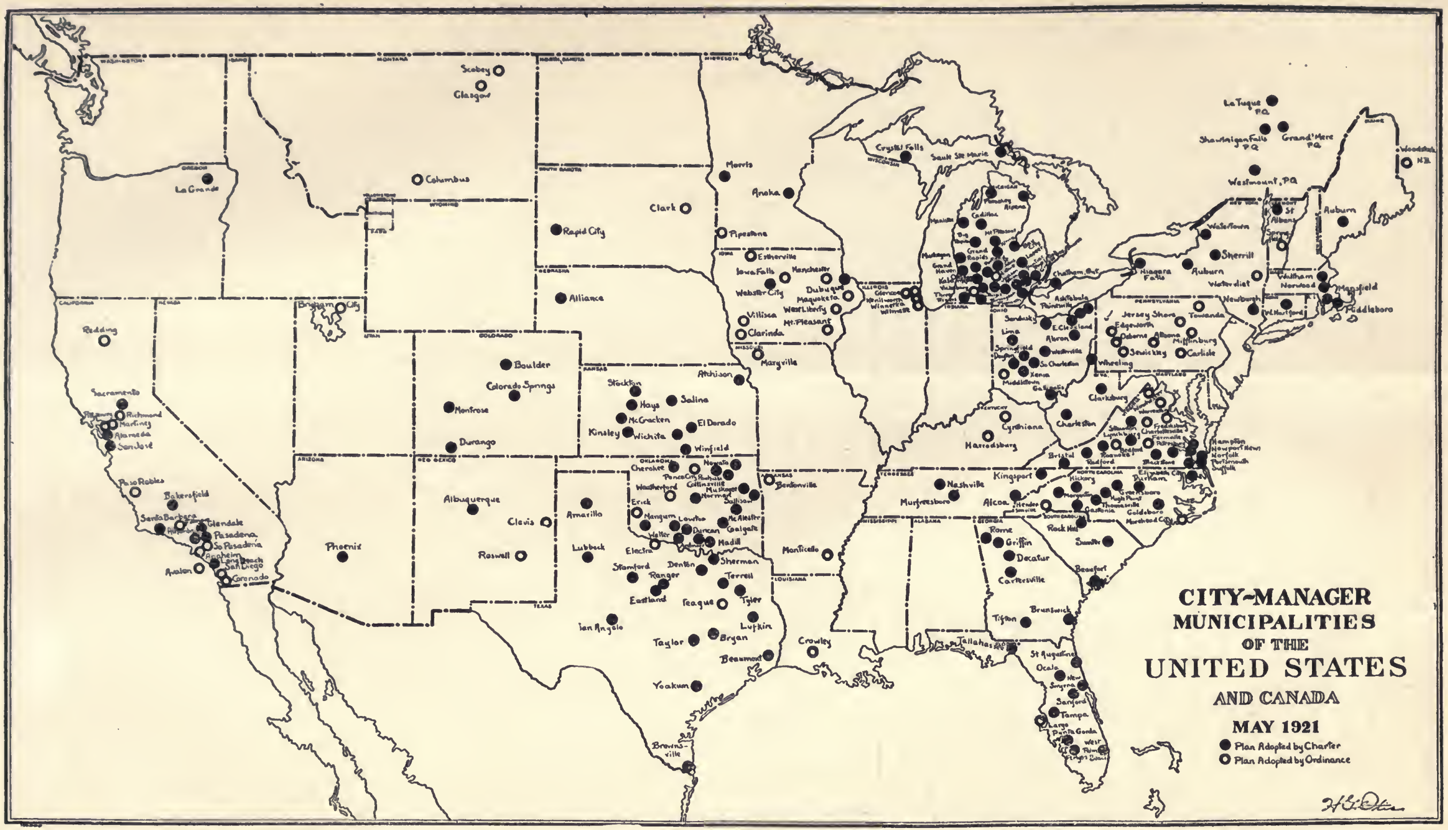
It is obvious that we have not yet made a start in this direction. It is equally obvious in my opinion that we shall and must. The civil service units in a democratic country must be administered democratically. Instead of being laggards, they should rather point the way. As a government, whether federal or local, let us practice what we preach.

If the theory of joint control is accepted, the practical implications for the personnel agency would seem to involve the following functions: (1) to outline a policy for the selection of representative committees in the various major divisions of the government, (2) to make constructive suggestions from time to time as to the next steps to be taken in the direction of more democratic administration of personnel matters, (3) to stimulate consistent action on the part of those in charge, and (4) finally to co-operate with properly chosen representatives with regard to all matters over which the civil service commission has responsibility.

I have now outlined what I think is the next step in civil service reform. In concluding, I should say that I am fully aware of the fact that this step will not be taken by any civil service unit once and for all, nor probably by any two in one and the same way. But I am confident that what I have called the third step in civil service reform will ultimately be taken, since it is founded on two basic and fundamental considerations: the one, increased efficiency because of a more efficient personnel, and the other, human aspirations and rights. The responsibility for these two determining factors in any productive enterprise cannot be left to chance as they have been in the past; they, too, must be controlled and supervised by a part of management that has been specially charged with this function. If the civil service commission is to take over the functions outlined above, the typical commission must be rehabilitated, or, probably better, reconstituted. In the past the commissioners have often been political appointees, unqualified and inexperienced so far as personnel administration is concerned; they have commended themselves to administrators chiefly through being innocuous; normally, they have been consigned to isolation, or at least treated with toleration by those whom they were professedly serving. The first step towards rehabilitation is therefore the appointment of professional and experienced administrators who have won their spurs in the difficult task of handling or, better, leading large groups of men. Secondly, employment experts must largely supplant and otherwise supplement the employment clerks who now constitute nearly the whole working force of the typical civil service commission. Finally, and this is of essential importance, the rather substantial dividing walls between the civil service commission and the various departments must be swept aside and intimate contacts established.

If this does not occur, if functionalized employment management is not set up, the familiar civil service jog-trot will continue, abuses and irritations will ceaselessly arise, costly drives for specific reforms will follow one upon the heels of another, and basic civil service reform will continue to be something wished for, but not attained.

A GEOGRAPHIC PICTURE OF THE CITY-MANAGER PLAN


CITY-MANAGER
MUNICIPALITIES
OF THE
UNITED STATES
AND CANADA
MAY 1921
● Plan Adopted by Charter
○ Plan Adopted by Ordinance
Scobey
Glasgow
Columbus
La Grande
Rapid City
Alliance
Clark
Morris
Anoka
Pipestone
Estherville
Iowa Falls
Manchester
Webster City
Dubuque
Maquoketa
West Liberty
Mt. Pleasant
Villisca
Clarinda
Maryville
Crystal Falls
Sault Ste Marie
Brigham City
Redding
Sacramento
Richmond
Martinez
Alameda
San José
Paso Robles
Bakersfield
Santa Barbara
Glendale
Pasadena
So Pasadena
Anaheim
Long Beach
San Diego
Coronado
Avalon
Phoenix
Boulder
Colorado Springs
Montrose
Durango
Albuquerque
Clovis
Roswell
Atchison
Stockton
Hays
Saline
McCracken
El Dorado
Kinsley
Wichita
Winfield
Cherokee
Nowata
Collinsville
Muskogee
Norman
Sallisaw
Weatherford
Erick
Mangum
Lawton
McAlester
Duncan
Colgate
Walter
Madill
Electra
Amarillo
Lubbock
Stamford
Denton
Sherman
Ranger
Terrell
Eastland
Teague
Tyler
San Angelo
Taylor
Bryan
Lufkin
Beaumont
Yoakum
Brownsville
Bentonville
Monticello
Crowley
Nashville
Murfreesboro
Harrodsburg
Cynthiana
Kingsport
Alcoa
Rome
Griffin
Decatur
Cartersville
Tifton
Brunswick
Tallahassee
St Augustine
Ocala
New Smyrna
Sanford
Tampa
Largo
Punta Gorda
West Palm Beach
Rock Hill
Sumter
Beaufort
Hickory
Durham
Greensboro
High Point
Thomasville
Gastonia
Goldsboro
Morehead City
Elizabeth City
Bristol
Radford
Roanoke
Bedford
Lynchburg
Staunton
Charlottesville
Fredericksburg
Petersburg
Hampton
Newport News
Norfolk
Portsmouth
Suffolk
Clarksburg
Charleston
Wheeling
Lima
Akron
Sandusky
E. Cleveland
Ashtabula
Springfield
Dayton
Xenia
So Charleston
Middletown
Gallipolis
Jersey Shore
Edgeworth
Osborne
Altoona
Mifflinburg
Sewickley
Carlisle
Towanda
Newburgh
Niagara Falls
Auburn
Sherrill
Watertown
Watervliet
St Albans
Springfield
Walthain
Norwood
Mansfield
Middleboro
Auburn
La Tuque P.Q.
Shawinigan Falls P.Q.
Grand'Mere P.Q.
Westmount, P.Q.
Chatham, Ont.
Grand Rapids
Grand Haven
Kalamazoo
Three Rivers
Cadillac
Alpena
Mt Pleasant
Manistee
Glencoe
Kenilworth
Winnetka
Wilmette
N.B.

This map, prepared for publication in the seventh year book of the City Managers' Association, presents graphically the spread of the city-manager movement. Michigan leads with 29 cities, California has 20, Texas 19, while Oklahoma and Virginia tie at 18—north, west, south and east. Since this map was drawn, Houston, Texas, has created the position of manager by ordinance and Miami, Florida, and Bluefield, W. Va., by charter, bringing the number of municipalities now operating under, or pledged to city-manager government in the United States to 227,—162 by charter, 65 by ordinance, in Canada 7, of which 6 are by charter, a total of 233.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Administrative Consolidation in California.—After more than two years of agitation, mainly on the part of the Taxpayers' Association, for administrative consolidation in California, Governor Stephens sent a special message to the 1921 legislature recommending the passage of a series of bills designed to regroup and consolidate the majority of the statutory administrative agencies of the state. To carry out the governor's wishes, nine separate bills were enacted by the legislature.

The first bill creates a department of finance with the three members of the state board of control at its head. This department takes over general accounting, budget-making, purchasing, printing, motor vehicle regulation, and custody of buildings and grounds. The second bill creates a department of professional standards headed by a director who receives $5,000 per year. This department issues licenses for the practice of all the trades and professions, such as, medicine, dentistry, embalming, pharmacy, accounting, optometry, etc. The third bill creates a department of labor and industrial relations which brings together the industrial accident commission, the commission of immigration and housing, the industrial welfare commission, and the bureau of labor statistics under as many divisions. The executive head of this department is a board composed of a representative from each of the four divisions. The fourth bill creates a department of education with the state superintendent of public instruction (a constitutional officer) as director. The board of education, consisting of seven members, is continued in connection with this department and is given certain powers over normal schools. This board is in reality the head of the department, and the director is its executive officer. The fifth bill recreates the department of agriculture established in 1919, and adds to it the state superintendent of weights and measures and the state market commission. It is headed by a director at a salary of $5,000 per year. This department will have at least five divisions: plant industry, agricultural chemistry, animal industry, markets, and weights and measures. The sixth bill creates a department of public works under a director at a salary not to exceed $10,000 per year. It will consist of at least five divisions: highways, engineering and irrigation, water rights, land settlement, and architecture. A board of public works, established in connection with this department, consists of the director and the three members of the old highway commission continued in office at a salary of $3,600 each. The seventh bill creates a department of institutions under a director at a salary of $5,000 per year. This department takes over most of the charitable and correctional institutions of the state. The local boards of trustees are continued as advisory boards. The eighth bill relates to the civil service commission which formerly consisted of three commissioners at $3,000 each per year. Hereafter, the commission is to consist of a single executive officer at an annual salary of $4,000, with two assistants who receive $10 per diem for their work not to exceed $500 per year. The three are appointed by the governor for four year terms. The ninth bill sets up certain general provisions relating to the newly created departments. It provides, among other things, that the appointees of the governor shall hold office at his pleasure.

A large part of this work seems to be a rearrangement of existing administrative agencies rather than a genuine reorganization. The department of institutions and the department of professional standards apparently offer the greatest possibilities under this plan for better service.

A. E. Buck.

*

City-Manager Campaigns.—During the past month, Miami, Florida, Benton Harbor, Michigan, New London, Connecticut, Michigan City, Indiana, and Bluefield and Morgantown, West Virginia, have all adopted city-manager government.

In the elections which have been held in Indiana under the new optional charter law, the city-manager plan has met with seven defeats and one victory. Other cities are voting on the plan in June, but we go to press too early to announce results. On June 7 the plan was defeated in Anderson, Kokomo, New Albany, Muncie and

Princeton; and adopted in Michigan City by a close majority. Marion and Connersville had previously registered defeat.

The campaigns in Indiana were marked by more personal abuse and vilification than has heretofore attended charter campaigns. Both the Democratic and Republican state organizations came out against city-manager government, and the cue was followed by the county leaders. Indiana is noted as a state in which both parties are efficiently organized to the last ward and township. Evidently these organizations depend upon the spoils of local offices, for the prospect of non-political administration and non-partisan elections threw them into a panic. The campaigns teemed with ridiculous charges and absurd statements. Where the plan was defeated, it was voted down by good majorities, although in each case the vote was light. In most cases there was a notable lack of interest. The whole situation can be explained by the speed with which advocates of the plan worked. Scarcely sixty days after the permissive legislation had been passed, the question came to vote. This was not long enough to educate Mr. Average Citizen to the big idea in the plan, although the party machines were quick to perceive its dangers, and acted accordingly. The chairman of the Republican state committee spoke as follows:

> "The defeat of the proposed city-manager form of government in five Indiana cities yesterday is most reassuring. Our government has always been based on party responsibility, and it is pleasing to know that the people are not ready to abandon our present system based on a fixed responsibility through parties. These elections show that the voters believe in political parties, in group responsibility, and in party organization, by which all the elements of our citizens may find representation."

New London, Connecticut, adopted city-manager government on June 7 by a 2 to 1 vote. It is the first Connecticut city to accept the plan. On June 14, New Haven rejected it by a 2 to 1 vote. Less than 60 per cent of the normal vote was cast, although the campaign was extremely bitter. A favorite story was that the National Municipal League, the national advocates of the plan, were supported by the Standard Oil Company, and were nothing but a crowd of franchise grabbers at that. If a man is known by the enemies he keeps, the League has reason to be proud of itself in Indiana and Connecticut.

On June 1, Canton, Ohio, defeated city-manager government. The opposition was a curious mixture of Socialists and Guardians of Liberty.

⁂

Sound Pension System for New Jersey State Employes.—A law has been enacted in New Jersey this year establishing a sound retirement system for the employes of that state. This is the result of a four years' endeavor on the part of the leaders of the sound pension movement in New Jersey. It was drafted originally in 1917 by a special legislative commission appointed to investigate the pension situation, which was just as chaotic as that of any other system. The commission was assisted in this work by the Bureau of State Research of the New Jersey State Chamber of Commerce. The bill, supported by very comprehensive data as to the cost involved, was introduced in the legislature, but public opinion was not ready for the measure. It was consequently laid over for another year. In the meanwhile, the teachers pension problem became pressing and shoved the state employes into the background. When the teachers' problem was finally settled in 1919 by the enactment of a measure reorganizing their system on a sound basis, efforts were renewed in 1920 on behalf of the state employes. The bill passed both houses, but the governor vetoed it. Finally, this year both the legislature and the governor approved of the measure.

Under the new system retirement will be allowed at 60 or, in cases of earlier disability, on a retirement allowance, consisting of an annuity from employes' contributions and a pension from the state and amounting to approximately one seventieth of salary for each year of service, except that in case of disability in performance of duty the benefit is greater. The employes will contribute according to their entrance age and occupation from about 3½ per cent to about 8 per cent of salary, and the state will contribute its normal share, which in case of superannuation will approximately match the annuity. It will also discharge all accrued liabilities on a reserve basis in the course of approximately thirty years. In case of resignation or dismissal or ordinary death the employes' contributions will be refunded and liberal benefits are provided for the cases of accidental deaths.

Now that the teachers and other state employes are covered by sound retirement provisions, the only group of public employes that remains to be so covered are the municipal and county employes who now either work under unsound pension laws or have no pension law at all. Repeated efforts to establish a comprehensive municipal pension system have hitherto failed, because of the opposition of the policemen and firemen. Still the promoters of the sound movement do not give up their hopes of succeeding also in that field.

Paul Studensky.

*

Oregon's New Budget Law.—The legislature of Oregon in its 1921 session adopted a budget law which was prepared and fathered by Senator I. L. Patterson. Governor Olcott gave active support to the plan. The Oregon plan is what is known as the administrative committee plan.

Certain features of the law may not be all that could be desired. It might be contended that the budget commission should exercise greater control during legislative action. The amount appropriated to prosecute the work is small. The time given by experts will necessarily be limited.

On the other hand, there are certain obvious advantages. The commission is particularly well constituted, because the board of control has immediate supervision of all charitable and penal institutions of the state. The governor and secretary of state are members of the boards of regents of the three state educational institutions. Their term of office is four years and together they make a continuing body, because the secretary of state is elected at one election, and the governor and treasurer at the succeeding election. Therefore this body will be in an advantageous position for securing pertinent data at all times relative to the income and expenditures of the state. Also, there is every reason to believe the joint committee on ways and means will be glad to have these authoritative and systematized data placed before it, instead of being compelled to collect the same. Much will depend on the spirit of co-operation between the legislative and the administrative offices. Judging the future by the past, it is fair to presume the departments will gladly co-operate, and that the advantages of the system will be so apparent that the later legislatures will gladly strengthen the law and see the advantage of spending more money if necessary in securing the necessary data for scientific budget making.

U. G. Dubach.[1]

The National Parks and Reorganization.—For years the American Civic Association has carried on educational work to explain and extend the national park principle. It led in the long fight to secure an organized national park service. As a result of the combined efforts of those interested, there was established about four years ago a national park service in the department of the interior, with Mr. Stephen Mather at its head. Mr. Mather has been responsible for a liberal policy which has meant a wide-open door to the people that they may have every facility for enjoying their parks so long as they recognize and observe the social law of equal treatment for all and special privileges for none. Appointed under the last administration, Mr. Mather has been continued under this, and the people are thus assured that their national park service will continue to be directed by an experienced park man.

The national park service is directly responsible for the administration of nineteen national parks and twenty-four national monuments. In the war department, under the quartermaster-general, the Antietam battle field is administered, and under an officer in the office of the secretary of war two national monuments are directly administered. The battlefields of Chickamauga and Chattanooga, Shiloh, Gettysburg, Vicksburg and Guilford Court House are administered by one or more commissioners each, as is the birthplace of Lincoln. Under the department of agriculture the forest service administers ten national monuments.

This situation should be corrected in the reorganization of the federal administrative service.

H. J.

*

The Obsolete Coroner in Detroit.—During 1920 the Detroit Bureau of Governmental Research undertook, upon invitation of the board of county auditors, to study the administration of the coroners' office. The principal defects in this office, in the opinion of the bureau, were these:

1. The election of two coroners dissipated authority and added to an already congested ballot.

2. The lack of public or official control over the conduct of the coroners permitted abuses to exist during administrations as relating to the disposition of bodies and property.

3. The lack of a public administrator resulted

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[1] *Oregon Agricultural College.*

in certain properties not escheating to the state, as provided by law.

4. Inquests, on the whole, served no good purpose, and frequently made successful prosecutions more difficult.

After considerable discussion, the bureau came into agreement with the coroners, and co-operated in the drafting of a bill providing for the abolition of inquests except on order of the prosecuting attorney; for the more adequate control of the property of deceased persons; and for the designation of a presiding coroner. The bureau wished to follow the plan operative in New York, a single appointive coroner, but agreed to leave the matter to the state legislature, where this proposition was defeated. The office of public administrator was provided by a general state law.

⁂

The Board of Appeals in Zoning Machinery.—Honorable Edward M. Bassett, counsel of the zoning committee of New York, calls attention to the important function of a board of appeals as a safety valve to prevent court decisions against zoning on the ground of arbitrariness. He cites a recent decision of the supreme court in New York county in the case of *People, ex rel. Ruth* vs. *Lee, et al.*, etc., where a writ of *certiorari* was dismissed and the court refused to reverse the decision of the board of appeals on the ground that "the law presumes that the board of appeals will act reasonably on all applications brought before them." The opinion, written by Mr. Justice Lehman, held that even though he might believe "that in some instances the board of appeals gave greater weight to the position of other property holders than it has done in this case, that fact would constitute no ground for a reversal of this decision of the board of appeals if upon the facts proven here that decision is not unreasonable as a matter of law."

The grounds on which the writ was dismissed are of much greater interest to city planners and zoning officers than the fact in this particular case that the action of a superintendent of buildings in disapproving an application for a permit to erect a garage in a certain New York block was first sustained by the board of appeals and later by the supreme court. The real point of interest is that the court definitely recognized the board of appeals as an ex parte body whose decision was presumed to be reasonable if it could clearly be interpreted as within the law.

H. J.

County Government.—Consolidation of the city and county government at Toledo, Ohio, under a city-manager plan with a council of nine members elected at large, is proposed in a report prepared at the request of the mayor by the Chamber of Commerce with the co-operation of the Rotary Club, Central Labor Union, Kiwanis Club, Exchange Club, Lions Club, the Woman's Club and the Ad Club. The report required three months for preparation, and the author is J. R.Cowell, director of the public service bureau of the Chamber of Commerce.

In New York, the constitutional amendment permitting Nassau and Westchester counties adjoining New York city to adopt new forms of government, subject, however, to the existing necessity of leaving various county officers separately elective, passed the legislature for the second time and will be voted on by the people in November.

Civic organizations in Arlington county, Virginia, attempted in April to secure the adoption of a county manager; but were halted by legal difficulties.

⁂

Traction Situation in Detroit.—A recent shake-up in the management of the Detroit United Railway is believed to mark the beginning of a conciliatory attitude towards the city of Detroit. It will be recalled that the D. U. R. has lost several important lawsuits against the city, the last having been carried to the United States supreme court. Mr. Alex Dow, president of the Detroit Edison Company, a man who possesses the goodwill of the people although head of a public utility, has been appointed a director of the D. U. R. Harrison Williams of the Central Trust Company of New York has also been appointed to the directorate. It is believed that this is because the financial interests behind the D. U. R. do not want to suffer because of old antagonisms between the company and the city.

On the face it looks as if the company considered municipal ownership inevitable, and was taking steps to protect its interests when the city takes over its property in Detroit.

⁂

Illinois' New City-Manager Law.—At last a law providing for the city-manager plan of government has been passed by the Illinois legislature, and approved by the governor of the state. The measure is very limited in its application, however, being confined to cities and villages of 5,000 population, or less. It is the hope of the backers of the city-manager plan that the law may be amended at a later session so as to apply to larger municipalities. As it was, the bill encountered considerable opposition in the legislature. Various suggestions for modification calculated to impair the efficiency of the plan were suggested, but only one was actually incorporated in the law. That is the provision giving the manager a definite term of two years. The bill as originally drafted gave the manager an indefinite tenure, leaving him subject to removal by the commission at any time, which is the approved policy.

George C. Sikes.

II. JUDICIAL DECISIONS

Counties Engaging in Abstract Business.—This was a taxpayer's suit brought to test the right or power of Wayne County in which Detroit is situated, to establish and maintain a tract index and to make and furnish abstracts of title to lands in that county. The necessity for the maintenance of an index of the tract as well as of the usual alphabetical, or grantor and grantee index, was shown. The court first took judicial knowledge of the fact that abstracts prepared by private abstractors would be simply a copy or duplicate of the tract index. The court held that when action is taken by the state, or one of its municipal subdivisions, manifestly in the interest of its people as a whole, and the rights of individuals are not abridged thereby, and such action is not within some constitutional or statutory inhibition, it should be upheld as a valid exercise of authority, though lacking in any positive grant of power to support it.

Further, that a county having expended a large sum of money in preparation of a tract index, may give its people the benefit thereof, by furnishing pages upon request and payment therefor, without being subject to the objection that the county is "engaging in a business" as such expression is used in commercial transaction.[1]

✤

Municipal Liability.—No action can be maintained against a city for injuries received from falling into an elevator shaft in the city hospital negligently left unguarded; the maintaining of such a hospital being an exercise of the city's police power, a governmental function.[2]

✤

Interurban Railways as an Additional Servitude.—The defendant, a street railway company which had a local franchise and rendered the usual local service within the city, used its street railway system to carry passengers brought in from and carried to points beyond the corporate limits. The plaintiff, the city of Milwaukee, claiming that the latter use constituted an additional servitude on the streets, seeks to enjoin same. Held, that a street railway company which renders the usual local service on the city streets does not create an additional servitude thereon entitling the abutting owners to compensation by also using the streets for interurban service.

This case reverses an earlier Wisconsin case (120 Wis. 477), but seems to be in line with the more modern tendencies of the courts.[3]

✤

State Cement Plant.—An opinion handed down by the judges of the supreme court of South Dakota, recently, will be of interest to several of the larger cities. In the opinion, which was requested by the governor, the court held that it was within the constitutional powers of the state to own and operate a cement plant. Some courts have held this not to be a legitimate purpose for taxation.[4]

✤

Paving Contract.—In a taxpayer's suit to enjoin the city from paying to a paving contractor the amount called for in the contract, it was shown that the work performed did not comply substantially with the specifications of the contract. To this the court held, "under such circumstances it is well settled that a taxpayer's bill to enjoin further payments will be sustained, and we need only again repeat the warning that in a proper case public policy requires this remedy shall be unflinchingly applied, since not otherwise can those who contract with the public be taught that it is just as dishonest to wrong the citizens in their governmental capacity as it is in their individual capacities.[5]

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[1] *Thomas* v. *Board of Supervisors*, 182 N. W. 417.

[2] *Scott* v. *City of Indianapolis*, 130 N. E. 658.

[3] *City of Milwaukee* v. *Milwaukee Electric Ry. Co.*, 180 N. W. 339.

[4] 180 N. W. 957.

[5] 113 Atl. 200.

III. GOVERNMENTAL RESEARCH CONFERENCE NOTES

On November 22, 1920, J. R. Cowell, director of the public service bureau of the Toledo Chamber of Commerce was authorized by representatives of civic organizations and the mayor, to make a cursory survey of all city activities and make recommendations as to means by which the Toledo government would be more effective and economical. Mr. Cowell's report with recommendations was issued April 25. The report discusses practically all city departments and concludes with thirty-two recommendations; the principal ones having to do with city-manager government for the city, county and state consolidation, closer adhesion to the charter in the operation of city departments; the abolition of the three platoon fire system, and that the official commission of publicity and efficiency be developed for greater usefulness.

Mr. Hart Cummin, who has been connected with the Institute for Public Service, has joined the staff of the Public Service Institute of Kansas City, Missouri, as engineer.

The National Institute of Public Administration has been organized as the successor of the Training School for Public Service. It will continue the technical consulting and research activities of the New York Bureau of Municipal Research which has been fused with the Institute. The purpose of the Institute will be to train men and women for public service and to improve standards of governmental administration. The Institute will maintain its offices at 261 Broadway, New York City.

Through co-operation of the coroners of Wayne County with the Detroit Bureau of Governmental Research, legislation was recently enacted amending the procedure of the coroner's office and, in particular, abolishing the inquest powers of the coroner's office except upon order of the prosecuting attorney. It had been found that evidence taken before the inquests was frequently used to defeat later prosecutions. The bureau endeavored to secure a single appointive in place of two elective coroners, but was unsuccessful in this recommendation.

The Des Moines Bureau of Municipal Research is located at 1125 Fleming Building, C. M. Young, Director; the St. Paul Bureau is, Care St. Paul Association, C. P. Herbert, Director.

The Institute for Public Service, Dr. Wm. H. Allen, director, has moved their offices to 115th Street at Amsterdam Avenue, New York City. The Institute has become affiliated with the *National School Digest*, now published at Minneapolis, and at their new offices will maintain a permanent exhibit of educational and municipal material.

The Institute for Public Service has recently issued a one-hundred page brochure entitled "Civic Lessons from Mayor Mitchell's Defeat." The exhibits are built up on the principle that governmental research agencies must be prepared to criticize friends as well as enemies. On this point, the Governmental Research Conference in 1916 passed a resolution to the effect "that citizen agencies for public efficiency cannot consistently make the publication of facts contingent upon relationship with public officials or upon expediency."

Mr. Steven B. Story has been appointed acting director of the Rochester Bureau of Municipal Research vice James W. Routh, whose resignation was effective April 30. Mr. Story has been engineer for the Rochester Bureau for several years, and was formerly with the New York Bureau.

The Institute for Government Research has recently added materially to its staff and is giving special attention to the preparation of volumes to appear in its series of "Service Monographs of the United States Government." Monographs are now in preparation dealing with the following services: bureau of war risk insurance, federal board for vocational education, bureau of public health, bureau of foreign and domestic commerce, United States shipping board, and bureau of mines. These services have been selected for immediate treatment because questions are likely to arise in connection with them in the studies now being made on reorganization of the administrative branch of the government.

The Institute for Government Research has completed a detailed manuscript study on administrative reorganization, copies of which will be furnished to the members of the joint congressional committee, the President, and others who have to concern themselves with this problem.

The Institute has recently published *Principles of Government Accounting and Reporting*, by Francis Oakey.

Mr. S. G. Lindholm, formerly with the New York Bureau, is now in charge of Housing Surveys for the Civic Development Department of the Chamber of Commerce of the United States.

The Chamber of Commerce of the United States announces that their civic development department has organized within itself bureaus of education, housing and city planning, immigration and citizenship, national civics, and organization service.

Mr. Paul Illman, well known to many bureau men, has become connected with the Peoples Bank of Buffalo.

The City Government Committee of Louisville, Kentucky, in recommending proposed charter changes, has urged the establishment of an independent bureau of municipal research, with the general support of all city civic organizations.

It is learned that the Bureau of Efficiency and Economy, authorized by the charter of Sacramento, has not been made effective.

A copy of the articles of association of the Bureau of Municipal Research of St. Paul, Minnesota, has been filed in the Conference library.

Robert T. Crane.

IV. MISCELLANEOUS

Syracuse and the Ubiquitous Ash Can.—The department of public works of the city of Syracuse has instituted a new plan for the collection of refuse and ashes in the down town districts, which has been the subject of favorable comment. Under the old scheme the wagons and trailers collected during the week, and the result was ashes and refuse on some curb every day. Commissioner George C. Scheerer, when appointed, devised the plan of mobilizing his entire force of men, wagons, trucks and trailers, in the down town section on one morning of each week, thus eliminating collections throughout the week. The plan has been successful, the entire job is finished in two hours, and the department starts work on the residence districts. The business section is clean, and outside of some inconvenience to janitors, which was quickly adjusted, everyone has approved the plan heartily.

⁂

Governmental Research Conference Meets.—The annual meeting of the Governmental Research Conference was held in Philadelphia, June 2–4, the Philadelphia Bureau being the hosts. A feature was the report of various committees. The reports on public employment problems and organization of school boards called forth some very spirited discussion.

The local arrangements for the entertainment of guests added greatly to the pleasure of the meetings. Social activities included an automobile ride to the estate of Mr. Cyrus H. K. Curtis where the guests were received by Mr. Curtis, and a picnic supper was served at Valley Forge.

Mr. Frederick Gruenberg, director of the Philadelphia Bureau of Municipal Research, was elected president of the Conference. Mr. R. E. Miles, director of the Ohio Institute for Public Efficiency, was elected vice-president, and Dr. Lent D. Upson, director of the Detroit Bureau of Governmental Research, was reelected secretary-treasurer.

⁂

The Thirteenth National Conference on City Planning was held in Pittsburgh, May 9 to 11. Pittsburgh's street and zoning problems had a prominent place on the program. The session on the enforcement of the city plan was notable because of the earnestness and snap of the discussions.

The following officers and directors were elected: Lawson Purdy of New York, president, succeeding Nelson P. Lewis of New York, who has served two years; George B. Ford of New York, vice-president; Flavel Shurtleff of Boston, secretary; George B. Ford, Nelson P. Lewis, B. A. Halderman of Harrisburg, John Nolen of Cambridge, Massachusetts; T. Glenn Phillips of Detroit, Robert H. Whitten of Cleveland and Edward M. Bassett of New York, directors.

⁂

A Civic League in Fayette, Missouri.—Fayette, Missouri, a college town with a population of about five thousand, has a new civic league which has joined the American Civic Association and subscribed to the Review. Fayette has an annual week of Chautauqua in the latter part of August which is largely attended, and the newly-organized league has requested that the program include an inspiring, illustrated talk on town improvement.

AUDITORS' REPORT

NATIONAL MUNICIPAL LEAGUE

March 1, 1920 to March 31, 1921

The following is a statement of receipts and disbursements for the thirteen months ended March 31, 1921:

Cash in bank March 1, 1920		$1,427.80
Receipts:		
Dues:		
Annual	$7,203.22	
Associate	1,512.50	
Contributing	1,707.50	
	$10,423.22	
Subscriptions	5,028.24	
Contributions	19,998.50	
Sales of Review and other publications	2,509.39	
Royalties	206.94	
Baldwin prize	100.00	
National short ballot	409.44	
Charges for services, etc.	263.11	
Interest	62.43	
Sale of furniture	92.00	
Total receipts	39,093.27	
		$40,521.07

Disbursements:	
Printing Review	$14,145.03
Salaries—officers	6,558.25
Salaries—clerks	7,944.93
Printing and stationery	4,536.38
Postage	1,249.79
Traveling	1,012.15
Rent	963.32
Telephone and telegraph	165.55
Interest and collections	155.43
Clippings	272.60
Publications, subscriptions and books	469.56
Royalties	119.62
Research work	285.76
Furniture and fixtures	546.40
Prizes	125.00
Miscellaneous expense	895.90
Total disbursements	$39,445.67

Balance of cash March 31, 1921 . . . . . . $1,075.40

The following statement is the income account of the League for the period reviewed by us:

Revenue:	
Dues:	
Annual	$7,203.22
Associate	1,512.50
Contributing	1,707.50
	10,423.22
Subscriptions	5,028.24
Contributions	19,998.50
Sales of Review and other publications	2,271.38
Royalties	206.94
National short ballot	409.44
Charges for services, etc.	736.81
Interest	62.43
Total revenue	$39,136.96

Expenses:	
Printing Review	$11,106.10
Salaries—officers	6,558.25
Salaries—clerks	7,944.93
Printing and stationery	4,236.50
Postage	1,249.79
Traveling	1,022.34
Rent	963.32
Telephone and telegrams	165.55
Interest and collection	155.43
Clippings	267.60
Publications, books and subscriptions	604.98
Royalties	119.62
Research work	666.60
Prizes	25.00
Miscellaneous	730.43
Depreciation of furniture and fixtures	250.55
Total expenses	$36,066.99

Excess of revenue over expenses $3,069.97

In this statement payments on account of debts contracted prior to February 29, 1920, and for furniture are omitted, and the accounts and notes receivable and payable unsettled at the close of the period have been added. No reserve has been made to cover the expenses of publishing and distributing the Review for which payments have been received in advance.

The financial position as at March 31, 1921, is set forth in the following statement:

Assets	
Cash in bank and on hand	$1,075.40
Liberty bonds	600.00
Furniture and fixtures	558.00
Accounts receivable	473.70
	$2,707.10

Liabilities	
Note payable	$975.64
Accounts payable	2,733.66
	$3,709.30
Funds:	
Portland	600.00
General	1,602.20
	$2,707.10

Marwick, Mitchel & Co.,
Accountants and Auditors.

NATIONAL MUNICIPAL REVIEW

Vol. X, No. 8 AUGUST, 1921 Total No. 62

VIEWS AND REVIEWS

Toledo has 680 acres of public parks exclusive of the unimproved Ravine Park, the area of which has not been stated, according to the last annual report of the public welfare department.

⁂

The Ohio supreme court by a 4 to 3 vote has sustained the emergency clause of the state reorganization bill under which a referendum on the measure was denied. The new administrative code accordingly went into effect July 1.

⁂

On June 17, the people of Niagara Falls voted to retain the manager form of government and rejected a proposal to return to the old aldermanic plan. The vote was 5275 to 3680 in favor of C. M.

⁂

The last Illinois legislature passed a law taking the names of presidential electors off the ballot but it was vetoed by Governor Small. The law was copied from that of Nebraska and Iowa, and would have meant a desirable physical shortening of the ballot.

⁂

The Wisconsin legislature passed the Summerville bill which permits any county in the state to adopt a governing board of five county commissioners elected in rotation from districts of equal population, in place of the existing and usually larger boards of supervisors.

⁂

The Milwaukee rent regulation law has been declared void by the Wisconsin supreme court because it applied to one city only and was therefore special legislation prohibited by the state constitution. This law was very similar to the rent law of the District of Columbia. The Milwaukee rent bureau is reported to have settled about 500 cases of disputed rents.

⁂

Oregon recently amended her constitution to permit the governor to veto separately the emergency clause of any measure and thus afford an opportunity for a referendum on it which had been denied by the legislature. This is the amendment, discussed in the June Review, which grew out of the widespread popular dissatisfaction with the common practice of tacking an emergency clause to all sorts of measures.

⁂

"The worst trouble of a city manager," the *Rocky Mount Telegram* surmises, "would be managing the board of aldermen." It is the worst of any general manager's troubles—managing what corresponds to his board of aldermen. Many a chamber of commerce secretary would, if disposed to be utterly candid, confess his board of directors his foremost embarrassment, and many a stenographer that if it wasn't for the boss her job would be a cinch.

Some time ago the League responded to a request from the American consul at Plymouth for information as to how the manager form of government might be applied to English cities. The *Local Government Journal* has since reported that Birmingham is discussing whether it would not be well to appoint an official who would exercise supreme control over all the city's undertakings and direct its administrative policies. The *Birmingham Daily Post* states that "business men are questioning the wisdom of dividing administrative work into compartments, the head of each of which is a separate manager or chief officer acting mainly 'on his own,' without that departmental cohesion which is insisted upon by the managing director of a large commercial undertaking."

✣

The idea that municipal administration is a job for trained men, fitted by capacity and experience for the highly involved matters they have to handle, is beginning to filter through our so-called democratic dogma that any man is good enough for a public office. Mayor Carlson of Jamestown had this to say to the New York Conference of Mayors:

> It is also well to keep in mind the fact that real efficiency which is but another word for economy can only be secured by the retention in office of well-trained officials. Most cities permit too frequent changes in the administrative personnel. Continuity of service is essential because this gives the people the benefit of the added experience which is possessed by an official whose tenure of office is of long duration.

✣

New York has been spending about $1,000,000 each year in printing the session laws in the newspapers. It's a great graft. The people receive no benefit whatever from the expenditure. It is nothing less than a bribe to the newspapers, and the governor properly recommended that it be discontinued. Here, however, his up-state followers broke away and were not won over until the bill had been amended to continue the printing this year. The evil day is thus postponed and perhaps the governor won't be so powerful next year. At the same session, reductions, which many think will prove serious, were made in appropriations to state hospitals and insane asylums.

✣

Seattle's Troubles in Verse

It will be remembered that a Seattle grand jury has decided that the city paid three times too much for its traction system, and the mayor's engineer believes that the price was 100 per cent too high. This plus the short term in which the purchase bonds are to be paid off imposes a very difficult task on municipal ownership. The situation has inspired the *Seattle Post-Intelligencer* to verse addressed to the former owners:

> We're in an awful mess, alas! Remember back a year or two we bought a street car line from you.
>
> Your demonstrator failed to show us how to make the blamed thing go, and thus, although it gives us pain, we'll have to ship it back again.
>
> You showed us figures you'd prepared. "A child can run it," you declared. "You'll like your little plaything fine, just decorate the dotted line."
>
> You let us heft your one-man cars and monkey with the nickel jars; you showed us how to throw the switch and said, "No hurry for the pay," and so we bought it right away.
>
> And having bought, we looked around, and to our deep dismay we found, by placing sleuths upon the trail, that we had spent a lot of kale.
>
> We had a jury probe the deal, we paid three times too much, we feel; and so your kiddy cars and track we're wrapping up and shipping back.
>
> To own it wasn't any fun. It didn't leave us anyone to roundly cuss when things went wrong.
>
> You see, we'd cussed you boys so long it sort

of left us in the air. We really were not treated fair.

So take your car line, we implore, so we can razz you boys once more.

✱

What Does "Civic" Mean to You?

When you hear of a civic association, club, federation or league, what is the field of work which immediately occurs to you? Do you think of a voters' league which recommends candidates for public office, or an improvement association which interests itself with the protection and advancement of its own neighborhood? Or do you think of an organization which fosters good citizenship? Perhaps you connect the term *civic* with the process of beautifying the town or neighborhood. Perhaps it means organized effort for improved public health, public education and recreation? Or do you confine its significance to the physical environment of town and country? Is the term *community* an acceptable substitute for *civic* in your mind?

In any case do you believe that the term *civic* is outworn? Or do you believe that it is coming more and more to define the relation of a citizen to his neighbor, his town, his state and his nation?

Let us hear from our readers on this nomenclature?

H. J.

✱

Why a Lieutenant Governor?

The article in this issue on "How to Save Our Governors" was called out by the recent article in the REVIEW by Governor Smith on "How We Ruin Our Governors." Mr. Mandel wants to see much of the detail which absorbs a good part of the governor's energy transferred to the lieutenant governor, who will thus be put in training for the governorship, should he be called upon to assume it.

But why undertake to animate a stuffed shirt? What the governor needs is a sort of executive secretary to whom the law would delegate supervision over such detail as should be handled in the executive offices. The lieutenant governor fulfills satisfactorily the prime purpose for which he is elected, namely, to act in case the governor is incapacitated or resigns. The governor does not appoint him and can not remove him. He often has political ambitions of his own which may be embarrassing to the governor. It is not fair to the latter to ask him to share even minor executive duties with one who can never be considered an integral part of the administration.

Our model state constitution provides for no lieutenant governor. Under it, succession devolves upon the president of the senate. Really, shouldn't we accept this supernumerary as he is or abolish him altogether?

✱

Are Budgets Dull?

"Budgets are not merely affairs of arithmetic," said Gladstone. And yet the fact remains that for most of us the budget of our city, state, or nation is an affair of arithmetic in which we are little interested, except perchance in the size of the grand total and its effect on our tax bill. Contrary to the expectation of the early enthusiasts for budget reform, the people have not been interested in the social facts behind the budget. It has been hard enough to interest them in totals.

Totals, however, have been mounting so rapidly lately that the press and public have begun to analyze them occasionally. Organizations of taxpayers have been formed to fight proposed budgets, and in the field of state government particularly the resulting analysis has thrown additional light on the need for administrative reform.

Business also feels the strain. The California budget, for example, was sharply attacked by attorneys employed by the public utilities in an effort to show that it was excessive. High costs in public as in domestic life send us back to an examination of the facts.

Budget Commissioner Dawes brings to his work a fiery personality and a happy faculty of getting on the front page of the newspapers. His declared intention to enforce economy upon the different bureaus will have the strong backing of the country. The press has led us to expect much, probably too much, from the new federal budget system. How far it will succeed depends upon how rigorously and conscientiously it is administered. General Dawes seems to have the dramatic instinct which goes far in taking the dullness out of the budget. So far, so good.

*

Co-operative Municipal Ownership.

Springfield, Ill., has undertaken a plan of municipal ownership which involves citizen co-operation with the city dollar for dollar. It provides for the unification of the municipal electric plant with the electric and heating plants of the Springfield Gas and Electric Company and operation by the city of the combined properties. The purchase price of the privately owned utilities will be about $1,000,000 which is beyond the borrowing capacity of the city. The franchise of the utilities company was about to expire. The company refused to accept a renewal unless the city could cease operating its plant, which was furnishing current 25 to 33⅓ per cent cheaper than the company. Clearly, public opinion would not stand for this.

Under the leadership of the chamber of commerce a plan was worked out by which half the purchase price would be met by the city and half subscribed by the citizens. The city is to issue $500,000 worth of bonds. The Springfield Citizens' Electric Company is to furnish $500,000 in cash to cover the balance of the purchase price, which is to be determined by three arbitrators. The Citizens' Company will lease their properties to the city. In return the city will pay an annual rental equal to seven per cent of the stock and bonds of the company, and an amount sufficient to retire the stock and bonds within twenty years, when the city will have title to the whole plant.

The stock of the Citizens' Company was all sold in a six day campaign. It is distributed widely among about 2,000 purchasers. There was only one subscription of $10,000 and very few of $5,000. Naturally the larger financial interests were suspicious and some were actively opposed.

Future developments will be watched with interest. Hal M. Smith is chairman of the committee which worked out the plan and C. E. Jenks is manager of the chamber of commerce.

BOY SCOUTS BEGIN LONG CIVIC EXPEDITION

CLINTON, IOWA, STARTS A NEW SCHOOL FOR PATRIOTISM

BY J. C. VANT HUL, JR.
General Secretary, Clinton Chamber of Commerce

Clinton, Iowa, is sending two hundred Boy Scouts on a big hike through several mid-western states culminating in a specially privileged visit at Yellowstone Park. Slowly, but surely, the truth is dawning upon the commercial and civic organization leaders everywhere, that commerce and industry can best be carried on by those who have an abiding faith in the solidity and greatness of our country, its institutions, and its tremendous resources. The commercial organization of today realizes at last that the promotion of civic ideals comes first, and the prosecution of commercialism must take second place, because a community can only continue to do business successfully if it is first made a good community in which to live.

Small wonder, then, that the business and professional men of Clinton grasped the opportunity to give two hundred of its brightest and most competent lads a summer vacation that will combine recreational and educational opportunities of a most practical and valuable nature. For several summers past, its Boy Scouts had enjoyed camps, hikes and all the things that pertain to scouting, in the territory contiguous to the home grounds. But with the development of the highways, and the universal use of motor cars and trucks, came the suggestion that this year they be given a chance to really see something of the great central western section of the United States, and Yellowstone National Park was proposed as the objective point.

After months of preparation, two hundred of the nearly one thousand Clinton Boy Scouts have been finally selected for this gigantic expedition. Moreover, fifty of the leading business and professional men of Clinton are going to be boys again for the time being, and are taking their vacations by serving as drivers for the boys, and lending their cars for this trip.

Fifty passenger cars and five huge trucks, loaded to capacity with all the numerous things necessary to maintain the party on the six weeks tour, will depart from Clinton. The caravan will carry complete commissary and camping equipment. It will have a moving picture department and will film scenes as it goes. A wireless telegraph and telephone outfit will be carried. A traveling press bureau will be taken along. Doctors, nurses, chaplains, mechanics, cooks are included in the executive personnel, and the boys will be taken care of every minute while away from home.

The party will camp at night at some place where excellent camping facilities are available. A great many communities are planning special entertainment for them. Pains will be taken to instruct them on all the historic and special features of territory traversed. Several days will be spent in the famous Black Hills territory, and the boys will be given a special lecture on the Bad Lands by Professor

O'Hara, president of the South Dakota State School of Mines. Many side trips to important points in the Black Hills are planned with Deadwood as the base. The bureau of national parks is placing special guides at the disposal of the party and will take them into places in Yellowstone that few tourists are privileged to enter. The commissioner of Indian affairs is making special preparations to show the boys the real everyday life of the Indians on the Pine Ridge reservation. They will be given every opportunity to study and observe at first hand all the things that have contributed to the present development of [illegible]a, South Dakota, Wyoming and [illegible]braska, and should come back to [illegible]ton with a greater appreciation [illegible]e resources of these great central s[illegible]

The party will travel in mi[illegible] style. Strict rules and regulations will be observed throughout.

A complete history of the trip will be written up and made available. I[illegible] is believed that this enterprise wil stimulate other communities to do likewise and will result in a general movement to give the growing generation an opportunity to see and learn to know "America First."

BOSTON'S WORTHY PENSION ENDEAVORS

BY PAUL STUDENSKY

New Jersey Bureau of State Research

The Boston Finance Commission has been engaged during the last few months in a noteworthy endeavor to establish a sound pension system for the employes of Boston. At present, the policemen, teachers, firemen and laborers are the only ones who enjoy pension provisions. The first group is covered by a double system consisting of a non-contributory pension from the city and of an actuarially insolvent annuity fund which is supported by contributions of teachers and which was compelled because of lack of funds to pay smaller annuities than originally promised. The other three groups are covered entirely by non-contributory systems. All these provisions are quite in line with the unsound pension laws which have been placed on the statute books of the various states before realization of the need of scientific procedure in this matter had dawned upon administrators, legislators and employes. In endeavoring to establish a pension system for the employes not now provided for, the commission has, therefore, turned away from these bad precedents and has set to an examination of the best pension accomplishments of various states of recent years.

It framed a bill with the technical assistance of the New Jersey Bureau of State Research, with Mr. George B. Buck acting as actuary, covering all the employes of the city with the following exceptions: (1) present and future teachers; (2) present policemen, firemen and laborers.

The teachers were excluded in view of a division of opinion among them. A large proportion of the teachers led by the high school group presented a petition to the commission in favor of being included, whereas the sentiment of elementary teachers was largely in favor of being excluded and treated separately, if at all. The policemen, firemen and laborers have until the last moment expressed no opinion on the subject. The commission thought best not to disturb these groups so far as the men now in the service are concerned, except to permit those among them who may wish, to transfer to the new system. It included all future appointees in these departments. Regular retirement was fixed at the age of 60. Ordinary disability to be recognized after ten years of service and accidental disability any time.

The members were to contribute 4 per cent of their salary and were to receive an annuity in accordance with the tables of mortality which were to be prepared for the various occupational groups. The city was to provide a pension of an equivalent amount and make up the contributions on its own account as well as on behalf of the employe for all years of prior service. For cases of ordinary disability the pension part was to be increased to 90 per cent of the amount which would have been provided had the employe continued at the same salary in the service until the age of 60. Liberal accidental disability and accidental death benefits were provided, and the contribution of the employe together with interest at 4 per cent were to be refunded in cases of resignation, dismissal or ordinary death. In accordance with the best precedents various options on retirement were offered. The system was to operate on a full reserve basis with the accrued liabilities to be discharged in the course of 30 years—a feature which distinguishes the system from that of the Massachusetts teachers and state employes in which no reserve is provided for the payment of the pension part of the benefit and the accrued liabilities, and in which the burdens are disproportionately small in the beginning and will be disproportionately large in the future.

The bill (House 1665) was introduced in the legislature and was passed overwhelmingly in the both branches, but according to Mr. Dowling, counsel of the commission, "the police commissioner objected to the inclusion of the police department in the provision of the contributory system and the governor refused to sign the bill with the police so included. The House of Representatives refused to exclude the policemen and the legislature was prorogued before the settlement of the question. The bill, therefore, goes over to the next year's legislature."

The chairman of the commission, Judge Michael Sullivan, is planning to get early under way with the work and is very hopeful that next year will crown the efforts of the commission with success.

CIVIL SERVICE IN THE CITY-MANAGER PLAN

BY HENRY M. WAITE

President, National Municipal League

A GREAT many city managers feel that, as they are not political appointees, they should not be restricted by civil service regulations.

These city managers argue that if they are to run the city's business as an industry, they should not be hampered by regulations that do not occur in industry.

On the other hand, industry is developing more and more along civil service principles. Through shop committees and employment officers, everything is being done to reduce turnover.

Industry is more careful at the present time than in the past in the selection of its employes. If a man does not succeed in one position, he is tried out in others to ascertain where he best fits. An employe of a modern operated shop is not discharged until the employment office is satisfied he will not fit in any place in the organization.

In a well-governed city, where you have co-operation between the civil service commission and the administrative head of the government, the same results are being accomplished. Civil service, properly regulated, fairly enforced, can accomplish many of the things in public work that industry is now attempting.

The public in this country to-day is educated to the use of civil service commissions in public business. They expect fair treatment to be given the city employes and a continuation of office. The public looks to civil service to protect their public affairs from political control and the spoils system.

The civil service rules recommended by the National Municipal League in its model charter, properly handled, furnish the protection the public expects. They also give the city manager all the freedom that he requires for an efficient administration.

The civil service commission should be appointed by, and be responsible to, the city commission or council. This point is arguable. The trend of improvement in city government, however, is all toward providing machinery that will exclude politics in the administration of city affairs.

The theory of the city-manager form of government is that the commission is the elective or political body. The administration of city affairs is to be under the manager and divorced from politics. The prime object is to keep both the commission and the manager from building up a political organization.

If the civil service commission, for example, were under the city manager, there would be too much power in his hands. If the civil service were under the commission and the employment of all employes were also under the commission, there would be too much power in the hands of the commission. By putting the civil service commission under the commission or council, and certifying lists to the city manager, an effective compromise is reached.

The National Municipal League charter allows the city manager to discharge employes, but he must employ them from civil service lists. This is good theory, and it so works out in practice, as it protects the city—as far as it is possible to-day—from either the commission or the manager building up political machines.

The city-manager form of government in operation is carrying out the theories that prompted the manager charters. The city manager is anxious to build up an efficient organization. The manager's success locally depends upon it. Managers around the country are working for a reputation so that they may be called to other cities. The wise manager leans strongly on the civil service commission. He sees that they get the efficiency records. He knows that these records are being used for the advancement of his men. He builds up the confidence of his organization in civil service. He reaps his reward, as does the city.

To make civil service in government a success, there must be a pension system in connection with it.

The theory of civil service is to keep men long in office. If employes are to be kept in office, there must be some fair and just means to take care of them when they are too old to carry on their functions. Again, the analogy between public affairs and industry holds. Industry, however, is leading government in providing pensions and sick funds.

With the daily increase of city managers throughout the country, there may develop later some procedure that will replace present civil service methods. This, however, will only occur after a long demonstration of the fact that the city manager remains free from political control and can demonstrate that there is some other method that will insure the employment of capable men in public office and keep such men in continuous service.

HOW TO SAVE OUR GOVERNORS FROM RUIN

BY ARCH MANDEL

Detroit Bureau of Governmental Research

A proposal to make the lieutenant governor deputy to the governor and thus bring relief to that harassed individual for whom Former Governor Smith plead in the May issue. :: :: :: :: :: ::

Ex-Governor Smith of New York deplores the fact, and rightfully so, that governors are ruined by being obliged to attend personally to innumerable and unimportant details of administration.[1] This complaint doubtless strikes a sympathetic chord in the minds of every contemporary and ex-governor in the Union.

The statement that "unfortunately there is no deputy governor" made by Governor Smith in his article on "How We Ruin Our Governors" brings sharply to our attention an absurd tradition in the organization of our states and nation. New York State, and all other states have deputy governors, or lieutenant governors, as they are called, but for all practical purposes they might as well be nonexistent.

PUT THE LIEUTENANT GOVERNOR TO WORK

In face of the burdens imposed upon governors in the administration of a commonwealth, lieutenant governors are pigeon-holed by being assigned the duties of presiding over senates and gracing public functions with their presence and speeches. Here are officers who could, if profitably employed, be of service to their states by releasing governors for their larger executive duties, and at the same time get things done for the state that governors, under present conditions, can only half do.

Furthermore, it must be borne in mind that all lieutenant governors are potentially governors; that when the occasion arises, and many such occasions have arisen, they must assume the office and duties of governor. Yet there is nothing in the duties performed by lieutenant governors that fits them to be chief executives of commonwealths. In fact, they are less fitted by training for this office than are chairmen of important legislative committees.

It must also be recognized that so long as the office of lieutenant governor carries with it nothing but an empty title, and is a blind alley politically, men of capacity and ability, men of large affairs who aspire to public service, will not seek the office nor will they have it thrust upon them.

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[1] See National Municipal Review for May, 1921.

Many of the ills described by Governor Smith will be corrected by the reorganization of the governmental machinery that tends to throw responsibility for getting things done upon a limited number of department heads of ability. Yet the governor as the executive of the state, responsible for the proper administration of all departments and institutions, must of necessity give some attention to these problems. Even with the help of capable department heads the task of giving personal attention to large problems affecting the welfare of a few million persons and following the administration of state activities is too big for one man.

PLAN RECOMMENDED IN MICHIGAN

Recognizing these facts, Dr. Wm. H. Allen, of the Institute for Public Service, in his report on the reorganization of Michigan's state government, recommended two alternative solutions for "insuring preparedness to assume the duties of a deceased or removed governor while at the same time giving the state better government:

Alternative 1. The lieutenant governorship might be combined with the auditorship in one elective officer, in which case the senate should select its own chairman as the assembly now does.

Alternative 2. The lieutenant governor might be given five more duties beside that of presiding over the senate:

1. Visit every state department and activity at least once a year;
2. Serve as chairman of statutory investigating boards, like the board of corrections and charities, without power to vote except in case of tie;
3. Attend meetings of semi-judicial bodies, like the utilities commission, with power to question witnesses;
4. Review budget estimates;
5. Report to the legislature at the end of each biennium evidence gathered from his studies of forward steps taken, of inefficiency and extravagance observed, and of administrative and legislative changes needed."

Carrying out these recommendations would serve two purposes:

1. It would lighten the burden of the governor, who cannot carry out the duties of his office, no matter how hard working, conscientious and willing he is to do so.
2. It would insure states efficient and capable governors should the men elected to the office resign or die, or become incapacitated.

PROPORTIONAL REPRESENTATION IN SACRAMENTO

BY EDWIN A. COTTRELL

Professor of Political Science, Stanford University

A local politician acknowledged that, whereas he had previously won elections by control of only a thousand votes, it would now take fifteen or twenty thousand dollars extra to manipulate the new system, and then without any guarantee of success. :: :: :: :: ::

Sacramento, California, held a most successful proportional representation election, on May 3, on the introduction of its new charter. "Highly successful" is no exaggeration, for it is the almost unanimous opinion of all who watched the election that in the character of representation on the new council, the machinery of casting and counting the ballots, the attitude of the people and the press, and the qualifications of the mayor and city manager elected by the council, proportional representation was given a fair trial and succeeded and in all that its proponents claimed for it.

The new Sacramento charter provides in brief, for a council of nine members elected all at once on a general ticket for two-year terms. They shall receive a salary of three hundred dollars per annum. This council elects its own presiding officer with the title of Mayor, and appoints a city manager, attorney, police judge, treasurer, clerk and several minor officers. The city manager is the administrative head of the city and appoints his subordinates in the administrative departments. He is appointed without residence qualifications for an indefinite period, but is given twelve months to make a success. He is removable within that time only for illegal acts, and after that time only on the vote of six of the nine members of the council.

In the Sacramento election the candidates represented practically every element or cross section of the city population. Several tickets were in the field. The freeholders, who were responsible for the writing and passing of the new charter, nominated a full ticket including three business men, two labor men, an attorney, a physician, and one business woman representing the women's clubs. The other candidates were an ex-fire chief backed by city employes and politicians, an architect who is a Catholic and representative of the old gang element, several lawyers, merchants, women, a colored minister, a blacksmith, an old politician and extensive landowner, and one ex-city commissioner who is a physician and an advocate of municipal ownership and has had a good but erratic political record. These last candidates were grouped by their friends or by organizations such as the women's clubs, chambers of commerce, American Legion, municipal and state employes, labor organizations, and politicians. The results show that of the freeholders' ticket of nine, four were elected as numbers two, four, five, and seven. The man getting the highest vote was the ex-commissioner, who was favorable to all interests but not endorsed by the freeholders. The man elected number three was the representative of the old gang element. With this brief explanation of the candidates and a more detailed study of the system in operation, it can be safely said that no one element is to control the new council, and that all elements in the city have representation in its membership. Complete harmony and instantaneous action characterized its first meeting for the election of mayor and city manager.

There were 12,302 valid votes cast for twenty-six candidates in fifty-eight voting precincts. This is the second largest vote case in the last nine elections since the primary of May, 1918. Invalid ballots amounted to 2.4 per cent, which is extremely low for a first election under this system. This was due more to the late introduction of an initiative measure which under the California law must be voted with the rubber stamp while the council ballots must be marked with a pencil. If the blank ballots and those in which the intention of the voter was not clearly shown were counted alone the resulting invalid ballots would amount to only 1.7 per cent. In the Kalamazoo election 4.5 per cent were invalid, and the three Ashtabula elections usually show 10 per cent of the ballots invalidated. The reason for this is that the people do not learn readily to use the preference numbers rather than the cross in voting for their candidates.

The machinery of the central court consisted of a large blackboard upon which is carried the names of the candidates and in column form provision for twenty counts or transfers. Containers arranged in alphabetical order for the precinct envelopes and transferred ballots of each candidate, tally sheets for the precinct count, for each candidate for the transfer count, and the master sheets to check the total transfer count and reproduce the same on the blackboard. Two adding machines were used to check all additions. Rubber stamps carrying the number of the count were provided, so that it was possible to trace the transfer of the ballot through each successive preference choice and transfer. The counting at this election began as soon as the poll clerks had deposited their poll boxes at the central election board office in the council chamber. The poll and transfer count consumed about twenty-three hours, which can be considerably shortened at the next election. The principal delay was caused by the count of the initiative ballots and determining the invalid ballots caused by this double system of marking. The work of the central election board was planned for simplicity rather than speed, and the tally and check clerks did excellent work during their long counting session. For a first experience the time consumed without hurry, confusion or mistake, is to be commended. When it is seen that 69 per cent of the voters elected their first choice candidate, and 85 per cent have representation on the council, and that practically everyone questioned had voted for a majority of those elected, one cannot but conclude that this system is much better and surer than that formerly used in this city and elsewhere. Another way of getting at this result is to say that of the nine highest first choices, eight were finally elected on the transfer count. A subsequent study of the votes shows that in every natural division of the city the five candidates who received the greatest number of first choice votes were among those elected.

The citizens of Sacramento and the press are practically unanimous in commendation of the success of the new system of election, the true representation of the council, and the persons elected to be mayor and city manager. Only two voices were raised against the system. Mr. Grove L. Johnson, father of Senator Hiram Johnson, prefers the good old ward system with the good old political parties, but states, "Take it all in all, the new councilmen are a representative body and will give us a good government." Mr. J. H. Devine, the defeated politician and landowner, is endeavoring to get other defeated candidates to test the constitutionality of the provision of the charter which calls for proportional representation. The state supreme court has already decided in *Socialist* vs. *Uhl*, 155 Cal. 788, "that the election of municipal officers is strictly a municipal affair," under a constitutional amendment adopted in 1918. Many of the defeated candidates expressed themselves entirely satisfied with the system, and intend to support it in future elections.

The experience of proportional representation in Sacramento was much more successful than that of the other cities where the system is used. A larger vote was cast, a more satisfactory result was obtained, many improvements in counting were made, and those interested in promoting this system were assured of a widespread interest of other cities in the results of the election. It is interesting to note that several California cities are already proposing the adoption of proportional representation following their favorable study of the Sacramento election.

THE PITTSBURGH MORALS COURT

AN EXPERIMENT IN REGENERATIVE JUSTICE

BY CHARLES W. COLLINS

With only the legal powers of a magistrate, Judge De Wolf has built up an organization of big brothers and sisters to handle his 14,000 cases each year. :: :: :: :: :: :: :: ::

With only the legal basis of a magistrate's court, the Morals Court has within two and a half years become the most interesting institution of Pittsburgh. It is really a big, brave adventure in community service, holding about the same relation to the conventional police court as that which the modern institutional church of our larger cities bears to the rectangular wooden meeting-house of our fathers.

This has come to pass through the social vision and moving force of one citizen, Judge Tensard De Wolf. Fresh from college, twenty-odd years ago, De Wolf came to Pittsburgh to study law, but before his legal studies were finished he turned to journalism. During several years' work as reporter and political writer he gained an intimate knowledge of the multiform life of the city. Then for many years De Wolf was active in municipal affairs as secretary of the Voters' League. Looking back over his career in Pittsburgh one sees that he was serving an apprenticeship, each stage of it fitting him for his distinguished work in the Morals Court.

The court was created to deal with

youthful offenders of all kinds—every person under twenty-one years of age arrested by the police is brought before Judge De Wolf—also those charged with offenses against women and children, and "social" offenders—streetwalkers, prostitutes, etc.—as well as all domestic-relations cases.

LITTLE LEGAL POWER

At first Judge De Wolf feared that the court's legal authority, its jurisdiction, was too limited to deal adequately with its problems, and an appeal to the state legislature for extended powers was contemplated. A few weeks of work on the bench convinced the magistrate that the solution of his problems could not be found in legislation. Human life in a large city is a thing of intimate and tangled relationships, of problems at once too intricate and too simple for the application of statute law. As a social worker in the court whimsically asked, "To how many volumes would the Golden Rule run if put into acts of legislature?" Eventually only a few amendments to existing statutes, simplifying procedure and lessening penalties, were demanded. In the majority of cases direct social treatment proved more effective, and when greater powers of corrrection were needed the offenders were passed on to other courts. It is the way this social treatment is achieved that marks the court as an adventure in community service.

Declaring that the grown-up citizens of Pittsburgh were responsible for the waywardness of the four thousand boys brought each year to the Morals Court—that the problems of the court were community problems—Judge De Wolf appealed to the social forces of the city. To churches, welfare organizations, clubs, and citizens at large he preached the gospel of service. The response has justified the preachment. The original personnel of the court is now the directing body, the executive force, of a large staff of skilled social workers, who represent, and are paid by, Pittsburgh's religious and social organizations. The social conscience and energy of the city is mobilized to supplement and complete the regenerative work of the court.

In its larger aspects the Morals Court thus becomes a social and moral hospital, in which the departments (as we may call them) of clinical research, of diagnosis, and of outside relief, are larger than the operating ward—for the work of the surgeon (Judge) is lessened as the court becomes institutionalized.

In round numbers, 14,000 cases appear annually in the court—12,000 brought by the police and the rest by social-working organizations and individuals—and in this round-up there are 4,000 boys. The treatment of these boys illustrates the character and methods of the court.

THE COURT'S PROCEDURE

Soon after their appearance in the chambers, when the evidence of wrongdoing has been presented by police or other prosecutors, the boys are questioned by members of the staff, and whenever the need is indicated the boys' records are "cleared" by telephone appeals to the juvenile court or Associated Charities. Then relatives and friends are sent for. Whenever a case of defective mentality is suspected, the Children's Service Bureau is called upon for a psychological examination. Sometimes a member of the court's staff visits a boy's home and studies his environment before a diagnosis is made. After all the information is at hand and the diagnosis is complete, the "case" is presented to the magistrate for judgment. A few incorrigible boys are held for trial in the criminal court or certified to the juvenile court; a few others are sent directly to reform schools or "homes"; another small contingent are returned to their homes, after parents or guardians have been advised or reproved; the larger number are placed in charge of agencies for "follow-up" work under the supervision of Big Brothers. Among these agencies are the Jewish Big Brothers, the Catholic Big Brothers, the Y. M. C. A., the Urban League (colored), and the staffs of several settlement houses. Not only must the Big Brothers report regularly, but the court's staff continues its supervision to make sure that the right brother is found for each boy; if one fails he is promptly replaced.

Girls brought to the court are treated by similar methods, but their cases are generally more difficult. As a rule they have fewer interests through which the worker can appeal, and, unfortunately, they are usually charged with graver offenses. The saving detail is that a relatively small number of girls appear in court.

To adult offenders like treatment is accorded; that is, thorough investigations and diagnoses are made whenever the need is indicated.

Perhaps the most marked innovation of the Morals Court is its treatment of the social evil. Digging up an obscure statute to justify the procedure, Judge De Wolf arranged with the state health department to "quarantine" prostitutes and casual street-walkers. This treatment is both remedial and prophylactic. Under skilled medical care and regenerative influences many unfortunate girls and women are restored to physical and moral health.

Another innovation, as has been suggested, is in the degree to which the work of the court is specialized. Nearly all of the other social-purpose courts have achieved distinction through the personalities of their magistrates; in them justice becomes a personal equation. While personality is not lacking in the Pittsburgh court, Judge De Wolf's methods are those of an executive; he supervises a trained staff to whom is delegated the larger part of the court's work. In no other way, he believes, could the court's "business" be efficiently managed. Moreover, this plan makes it possible for the magistrate to give much time to work which he thinks of greater importance, even, than the daily administration of justice.

FEW REPEATERS

One of the surprises of the court is the small number of repeaters; thanks to efficient follow-up work, few youthful offenders are brought before the magistrate more than once. Yet the disheartening procession keeps up. Why? What are the causes producing every year in Pittsburgh nearly four thousand young criminals, actual or potential? Almost from the beginning Judge De Wolf has regarded the court as a laboratory in which to discover and study the causes for youthful delinquency. Superficial causes were easily found, and the judge and his associates had not been at work long before fundamentals began to appear. It may be said that this laboratory work has been done before—that any experienced sociologist can recite the causes of crime and human degeneracy. But a like investigation has not been made before in Pittsburgh. Concrete proofs of conditions in this city are quite unlike sociological abstractions regarding municipal affairs in the country at large; contact with the slums of Pittsburgh, for instance, produces a reaction not brought by text-book statements of human misery.

Fundamental causes of crime revealed in the court are: widespread and growing slum districts (essentially problems of housing and transportation), lack of playgrounds for children, insufficient vocational guidance, prostitution, venereal disease, and large numbers of unrestrained persons of defective mentality.

The fact that more than half of the children of the city are badly housed and conditioned comes as a shocking surprise to thinking men and women of the community. For fifty thousand children city streets and alleys are the only playgrounds accessible. One characteristic is almost invariable in the cases of children of working age (16 to 21) brought into the court—they have no steady employment—each tells a story of short-time jobs. Through lack of effective vocational guidance and placement, these children are economic failures before they attain citizenship. Of the horrors of prostitution, the ravages of venereal disease, and the folly of allowing feeble-minded persons to reproduce their kind, it is needless to speak.

PITTSBURGH SAFE FOR CHILDHOOD

To a man of De Wolf's active and creative mind it was impossible to face these conditions without devising means for their improvement. To make Pittsburgh safe for childhood—this is now the chief concern of the Morals Court magistrate and his staff. Just as he institutionalized his court and made it powerful through appeals to the conscience of the community, De Wolf now calls on the enlightened elements of the city to formulate and put into operation a social program for Pittsburgh. He has already addressed nearly all of the ministerial and ecclesiastical bodies of the city, laying bare the conditions that threaten to destroy the community and offering remedies. Special committees have been appointed by practically all of these organizations to co-operate in drawing up a program for permanent relief. "The Church has assumed the responsibility not merely as a service to the community, but as one of the fundamental reasons for its existence."

Justifying his appeal to the churches, De Wolf says:

> "We are tapping reservoirs of social energy. No other agencies can reach so quickly and with such authority into every home, especially those of the foreign-born (one-fourth of Pittsburgh's population). This has been demonstrated. Only last week one church organization through a single contact in the court reached at least thirty young men in their homes and corrected a serious condition that neither the court nor the police could have touched. When all the clergymen in the city have come to understand its social needs, a regenerative social program is fully outlined, they will carry conviction to their congregations. These congregations comprise a large majority of the citizens of Pittsburgh. With this majority enlightened, public officers, city, county and state, *must* join in carrying out the program."

Utopian? Perhaps. Yet in the light of the reaction on the men and women who have already helped the court, a successful outcome seems not impossible. More than a year ago a trained observer, who came from Washington to study the court, said: "The Morals Court set out to rehabilitate the unfortunate boys of the city and finds that it is regenerating the whole city and inaugurating a method of instilling a social consciousness and a social conscience."

SAN FRANCISCO MUNICIPAL RAILWAYS FROM TWO VIEWPOINTS

I. MUNICIPAL OPERATION AN UNQUALIFIED SUCCESS

BY M. M. O'SHAUGHNESSY

City Engineer of San Francisco

A DELEGATION of Chicago aldermen, accompanied by their engineers, recently spent three days examining the municipal railway system of San Francisco. In the words of Major R. F. Kelker, Jr., engineer for the city of Chicago, "We have come to your city and been convinced that it stands unique among the cities of this country in the operation of its street car lines."

The municipal railways of San Francisco have been constructed under the terms of the charter framed in 1900, under which San Francisco is governed, which declared the policy of public ownership of all earning utilities. San Francisco at this time was served by about seven individual private street railway corporations, and much criticism was aroused by their methods of obtaining franchises.

San Francisco is very hilly, and most of those lines were of cable construction. There was a gradual change from cable to trolley on the more level streets of the city. In 1906 the fire and earthquake caused the destruction of nearly all the routes, most of which had been acquired by the United Railroads Company, and were converted into trolley systems, so that that company now controls 244 miles of single track street railway system. On 150 miles of this trackage franchises expire in 1929, and the remaining lines expire inside of thirty years. There is, besides, a cable railway of 11½ miles owned by the California Street Cable Railway Company, which climbs over hills exceeding 20 per cent grades.

MUNICIPAL RAILWAY CONSTRUCTION

The first bonds of $2,020,000 were voted in December, 1909, for the building of trolley line over the Geary Street cable route, the franchise for which had expired. This was placed in operation on the 28th of December, 1912, from Market Street to Golden Gate Park. It was subsequently connected with the Ocean Beach south of Sutro Heights and with the outer tracks on Market Street to the Ferry. Over 70,000 commuters who work in San Francisco live in the suburbs of Oakland, Berkeley, Alameda and Marin County, and naturally our car system gets additional patronage from the actual population of non-commuters.

At the end of 1913 the city had 15 miles of municipal single track; at the end of 1914, 39 miles; 1915–16, 42 miles; at the end of 1917, 48 miles; at the end of 1918, 58 miles; and at the present time we have 63 miles of single track. The additional trackage in 1914–15 was due to the World's Exposition held in San Francisco in 1915.

The topography of San Francisco is very rough, covering an area of approximately six miles wide by seven miles long. Some of the hills, such as Twin Peaks, climb to a height of 900 feet. By means of a benefit assessment, a tunnel costing $4,000,000, two and one-third miles long, was built under the Twin Peaks hill, bringing in 3,000 acres of land available for residences west and southwest of the portal. Another tunnel was built through the Stockton Street hill, about one-quarter of a mile long, which is 50 feet in the clear, furnishing room for double street car tracks, vehicles, and two sidewalks, at a cost of about $600,000. Extensions of the municipal railways have been carried through those tunnels.

EQUIPMENT AND POWER

The city has adopted 106 pound rail on a concrete base, and underground ducts for carrying the electricity, also concrete poles for spanwires; on Van Ness Avenue ornamental concrete poles have been used.

The first 43 cars were of the Chicago type, eight feet six inches wide, and manufactured locally. The next 125 cars were nine feet two inches wide, and from engineering studies the weight was reduced from 25 tons to 24 tons, while the carrying capacity was increased by 20, and the cost reduced $1,000 per car.

Two concrete and steel car barns have been built in different sections of the city, each capable of housing 525 cars, while concrete partitions have divided it into compartments, so that in case of a conflagration the whole barn will not be destroyed.

Electricity is purchased from a private corporation, The Pacific Gas & Electric Company, at a cost of about one cent per kilowatt hour for direct current. Powerhouse sites have been acquired for auxiliary steam plant, but as the supply of current is uninterrupted it has never been found necessary to install stand-by equipment.

The city is engaged on the construction of the Hetch Hetchy Project in the Sierra Nevada Mountains, which will ultimately develop over 200,000 hydro-electric horsepower. It is hoped to have a 50,000 horsepower unit completed in three years, when the city will have an ample supply of hydro power not only for driving municipal street cars, but for lighting the city streets.

Negotiations have been conducted by the city with the object in view of acquiring all the privately owned street car tracks in San Francisco. The United Railroads has refinanced its holdings and reduced its capitalization from $92,000,000 down to $45,000,000. The citizens are committed to acquiring this property at a fair valuation, and it is hoped at an early date to make some arrangement by which the private rights can be acquired and paid for out of the net earnings.

FINANCES

The money voted by the people to date, for the construction of the municipal railway system, is as follows:

July, 1910, Bonds carrying 4½ per cent interest, all of which will be redeemed by 1934	$2,020,000.00
December 1, 1913, Bonds carrying 5 per cent interest, all of which will be redeemed in 1952, when we will own the roads, entirely free of debt of any kind . .	3,500,000.00
During the period of construction and previous to December 28, 1912, when the roads were placed in operation, there was received from general taxes....	306,552.47
Which makes the total cost to the taxpayers of San Francisco for the system	$5,826,552.47
Deducting the $899,300 paid for maturing bonds, this leaves an outstanding cost to-day of	$4,927,252.47

Net earnings have been as follows:

The total revenue received from the railway for the eight years previous to December 31, 1920, has been	$15,078,490.49
The operating expenditures for the same period have been	9,561,758.63
Leaving net earnings, exclusive of taxes and depreciation	$5,516,731.86

This revenue has been distributed to the several accounts in the following manner:

Interest on outstanding bonds	$1,642,322.03
Redemption of maturing bonds	899,300.00
Extension and betterments	1,188,150.20
Depreciation	1,266,832.01
Compensation insurance	156,628.69
Materials and supplies	150,578.72
Advanced to Twin Peaks Tunnel	82,152.53
Accidents, damages, etc.	130,767.68
Total	$5,516,731.86

PHYSICAL CONDITION

Besides building two steel and concrete car barns, the city has extended the original 45 miles of track called for in the bond issue by 18 miles, so that to-day we have 63 miles of first-class operating trackage, exclusive of 4 miles in car barns, sidings, etc.

At a low estimate the 63 miles of trackage to-day, including equipment, etc., is worth $8,000,000, and it is a self-sustaining utility, in which all citizens take pride, bringing in at the present time a yearly income of about $2,800,000.

ACCOUNTS CHARGED FOR TAXES

Under section 16, Article XII of the charter, it is incumbent on the city officials to keep a separate account of each utility and maintain a special fund for same, which may be used for the following purposes: Operating expenses, repairs and reconstruction, interest on outstanding bonds, and amounts necessary for redemption of same as they come due; for extensions and improvements and for reserve; in addition, for comparative purposes, it is required that the accounts should show not only the above items, but also a fictitious charge of 3 per cent of gross receipts for municipal taxes and 5¼ per cent of gross receipts for state taxes, which private corporations are compelled to pay. If this money had been actually paid from the date of operation of the system, approximately $1,000,000 would have been deducted from the city's net showing as displayed in the above accounts.

About ten years ago the laws of California relating to taxation were amended, so that public service corporations are no longer taxed by the local county officers. Instead of this arrangement they pay into the state annually a percentage of the gross receipts which varies with the different kinds of corporations. At the present time this percentage is 5¼ per cent for street railways.

HIGH-GRADE SERVICE

The citizens of San Francisco are particularly proud of the clean cars and high-grade service of the municipal system. The city officials who were identified with the construction of this utility, and who now operate it, have reason to feel pleased with the good work that has been accomplished, in giving first-class service on a five-cent fare, and besides paying gradually for the initial investment on the property. The fact that "San Francisco Knows How" in this business is convincing from the recent pilgrimage of the City Fathers of Chicago, who are struggling with the exactions of a private corporation which charges eight cents on their surface lines and ten cents on the elevated, and gives dirty cars and crowded service.

San Francisco's municipal railway undertaking has encountered severe opposition from public service corporations and interested critics who do not believe in the capacity of an American municipality to administer such a property. All our American cities are considered capable of handling water utilities, which are relatively simple compared to the intricate problems and great number of employes connected with a street railway. Our municipal undertaking has been administered with great prudence, 14 per cent of the gross earnings being set aside in a depreciation fund, and 4 per cent of gross for accidents and damages. Due to the first-class equipment and careful administration, the accidents and damages have not amounted to more than one and one-fourth per cent so far, so that considerable reserve has accumulated. Numerous demands have been made, however, for extensions in undeveloped portions of the city, which would be operated at a loss. To meet some of those most pressing demands and defer heavier outlay, two motor bus lines have been run from the outer extensions of the system. Those bus lines are run at a loss, but are a smaller loss than that created by car lines. Wages of car men were $3 for eight hours on the commencement of operations. Those wages have been gradually increased until they are now getting $5 for eight hours. Car men have been making demands for higher wages, but those demands have been resisted as an improper charge by the city officials.

The future success of municipal railways in our American cities will depend on conservative conduct on behalf of the municipal railway employes and prudent, non-political administration by the municipal officials entrusted with the responsibility. The great American public is grinding between the upper and nether millstones,—corporate greed, watered stock and high financing on one side, change of political administration, incompetent management, and improper demands of employes on the other. I believe our cities are, however, in a state of evolution, and I can see no reason why intelligent American cities having accomplished great things in other fields cannot do as well as the city of Glasgow and other European cities in handling their municipal railway problems.

II. UNIQUE FAVORS ENJOYED BY MUNICIPAL LINES

BY JOSEPHINE HOYT

Bureau of Public Administration, University of California

San Francisco has demonstrated that the officials of a municipality can appoint officers capable of constructing and managing a street railroad, which is particularly significant in view of the notorious past of city politics in that city; and that these officers can build and operate both economically and efficiently a system of 67.12 miles of single track.

FAVORABLE LOCATION OF MUNICIPAL LINES

This phenomenal success may be at least partly accounted for by several facts, the lack of non-paying roads into outlying districts, the gradual process by which the venture was started, and its exemption from certain taxes and other charges. The San Francisco charter requires the municipal railway to make charges to operations for insurance and taxes, although no insurance is carried nor taxes paid, and also requires it to make other charges as for legal aid and clerical help, actually afforded it by other city departments without cost. There are, of course, other costs, little used by a public corporation, such as advertising, which cannot be estimated. Neither is there need for money for campaign contributions. The financial statement of the municipal railway does include all legitimate expenses possible to estimate. And so, while required to set forth these amounts as if they had been paid, the city actually has these additional funds in its treasury. For 1920 they amounted to $226,535.

Far more important, however, is the advantage which the municipal railway derives from the manner of its birth and gradual growth. A single line was taken over by the city after its franchise had expired. The road was a cable system, long obsolete, and a little over a million dollars was required to equip this original line as an overhead trolley. It was, however, a paying line, due to its location. One by one, other profitable, centrally located lines were added as their franchises expired, and some additions to these were also made. During the first few years of its life expenses were low, for it had really not yet begun to have maintenance expenses. The balance sheets showed profits, even including the obligatory charter reserves and comparison charges. Since the war, the increased expenses of operation together with recent extensions have somewhat depleted the accumulated profit, so that the financial statement for 1920, inclusive of the obligatory charges and reserves, shows a fictitious loss of $237,797, and an actual loss of $11,266. This loss is taken care of by past profits, even though extensions and additions have been made from earnings. The municipal railway has grown up under the most advantageous circumstances.

NON-PAYING EXTENSIONS DEMANDED

Now, however, it has reached a crisis in its life. The people are asking why such a successful enterprise need have such a limited sphere of action, for the truth is, that the municipal railway, in all its 67 miles of single track, has no real outlying lines, with the exception of two busses, admittedly run at a loss, and certain non-paying extensions of paying lines. Undeveloped areas are not profitable for street railways. This lack of non-paying roads is largely responsible for the financial success of the undertaking. The municipal line's competitor, the Market Street Railway (formerly called the United Railroads), having a total of 224 miles of single track, serves many such districts; indeed, 40 per cent of its lines earn less than $2 per car hour. One earns $1.32, several less than $1, and one particular line $0.14 per car hour. Yet it costs at least $2 per car hour to operate such lines. Many of the municipal lines earn $4 per car hour, and its total passenger revenue per mile of track exceeds that of any other road in the United States operating on a five-cent fare, except one, the Brooklyn City Railway. It would seem that this larger earning capacity of the municipal lines is not wholly due to better management, but rather to a happy selection of profitable lines permitting undeveloped districts to be served largely by its competitor.

In the experimental stage this cautious procedure is praiseworthy, but it cannot be pursued by a city that maintains a complete system of street railways. And the reason is obvious.

Rapid growth demands the opening of new areas. If the city of San Francisco takes over the privately owned lines, which event is deemed inevitable, extensions and additions must be made. The people want municipal ownership, not because it is profitable, but because it gives promise of better service.

In analyzing the results of any municipal ownership undertaking, the investigator must ask himself these questions: Is it giving efficient service? Second, is it a financial success, by which we mean not a money-making proposition, but a well-managed enterprise financially, giving value for the money expended? Third, has it other decided advantages, such as the facility for opening up new regions, which may compensate for the lack of profit or even loss involved? These conditions the San Francisco Municipal Railway fulfills or gives promise of fulfilling. Better service and excellent management have been secured. A beginning has been made in the third requisite, in the construction of the Stockton Street and Twin Peaks Tunnels. The municipal railway points the way to the possibility of further extensions which a private company could not afford. These the municipality demands and can supply, because its policy is not guided solely by balance sheets in determining the success attained, but rather by the measure of utility to the city.

RECREATION—A PART OF THE CITY'S JOB

BY GENEVIEVE FOX

Community Service, Inc.

SINCE January first, 1919, more than $15,000,000 in bond issues has been voted for recreation by cities in the United States, according to reports received by the Playground and Recreation Association of America. The city of Chicago considered recreation of sufficient importance to justify an expenditure of $1,000,000 last year. Detroit spent $350,420, maintaining one hundred forty-four recreation centers under paid leadership.

Flint, Michigan, considered a place for people to swim so necessary to the city's welfare that it constructed two new swimming tanks during 1920 at a cost of $65,000 each, and is planning to add at least one more during 1921. And Hartford, Connecticut, decided that it was worth more than $30,000 to have a well-lighted, adequately supervised outdoor dance pavilion.

Out on the iron range of northern Minnesota, the people of Ely, a city of 5,000, demonstrated that they believed in city-wide recreation by appropriating $7,500 last year. Ely began to take play seriously during the war when it converted an old schoolhouse into a community service center. When war money dwindled and war excitement died down, there were not lacking those who felt that a community center and a city appropriation for recreation were a "foolish waste of money." About that time the councilmen began to receive visits—visits from every man and woman in the town who believed that Ely should continue to take play seriously. The result was a landslide for recreation.

Ten years ago cities thought of recreation in terms of simply setting aside a playground or two for the children. To-day, when you ask a superintendent of recreation what his department is doing, he may talk about a new playground that has been opened for the children, but he is quite as likely to talk about a golf course, or a series of

Courtesy of Community Service

ALL AGES PARTICIPATE IN THE ENJOYMENT OF HARTFORD'S OUTDOOR DANCE PLATFORM

Courtesy of Community Service

Oakland's Municipal Camp Has a Real Swimming Hole and an Abundance of Scenic Beauty

outdoor concerts, or pageants or baseball leagues, or a dance hall.

TENNIS, GOLF, BOATING, GARDENING

The fourteen hundred acres of parks and playgrounds in Hartford, Connecticut, offer entertainment for every member of the family. There are tennis and golf, baseball, bowling on the green, boating on the lake in summer and skating and hockey in the winter. There is dancing six afternoons and evenings a week on the big outdoor dance platform. On Sunday evenings the dance platform is turned into a concert hall seating 3,000, and band concerts are given every week through the summer. On these occasions not only is the seating capacity exhausted, but the grassy hillsides round about are black with people.

For the hikers, a walking group has been organized under the leadership of nature guides. This has become so large that two detachments are necessary, three hundred or more often turning out for a Saturday afternoon walk.

The amateur gardening enthusiast who has no back yard of his own is provided with plenty of room for a vegetable garden and plenty of information as to how to make his crops grow. In fact, this phase of recreation is so popular that a special food commission has been created to take care of it. Those who want less energetic recreation may just picnic in one of the woodsy picnic grounds that are provided with outdoor fireplaces and with shacks and indoor fireplaces for bad weather.

Even the babies and toddlers have a playground all their own where the equipment is especially adapted to their size and their degree of daring. For little girls who love to play house there are little red-roofed playhouses that little sister can reserve for an hour's play just as big sister reserves her tennis court.

AN ELDERLY FOLKS ASSOCIATION

It is a safe guess that no other city in the country except Hartford has an Elderly Folks Association. One Fourth of July a few years ago, it occurred to the superintendent of recreation that the older people might like to have a little celebration of their own, in some place that was out of earshot of firecrackers and brass bands. The result was so successful that the old people of the city decided that they would organize a permanent association for those who like sociability and good times as well as ever, even though their idea of a good time is somewhat different from that of their children and grandchildren.

One of the recreation centers of Philadelphia has a "Jury"—a club made up of former chronic bench sitters ranging in age from sixty-nine to eighty-six. These men who used to just sit around the park and look on at the activities of the center are now ever-present participants in all fêtes and celebrations. Quoit pitching is their favorite amusement in summer, and in winter they become a chess and checker club. The president of the "Jury" is the official Santa Claus for the Christmas tree at the recreation center. He has the advantage of requiring no make-up for the part.

The people of Oakland, California, have a piece of the Sierras which is ex-

Courtesy of Community Service

Many Varieties of Play Are Provided in This Philadelphia Playground clusively their own. There they sleep under tall pine trees and go swimming in nature-made swimming pools and fish in mountain streams. The United States Forest Service has turned this bit of real outdoors over to Oakland for a municipal camp, and the Recreation Commission is providing floored tents, electrically lighted, food and all facilities for comfortable camp life. For this you pay $6 a week if you are an adult, and $5 a week if you are a child. The hikes and saddle trips that can be made through the Sierras from this camp are almost unlimited, and beside, there is plenty to do if you stay right in the camp with swimming and fishing and walking and every kind of game on the big athletic field.

Detroit's aquatic day brought together last year all clubs and organizations interested in water sports from Lake St. Clair to Lake Erie on both Canadian and American shores. At the city's camp on Lake Elizabeth, nearly a thousand children and a hundred adults had a chance to enjoy outdoor life last summer. An especially interesting activity last winter in Detroit was the "Homeland's Exhibit" of Polish, Italian, French, Greek, Czecho-Slovak, Armenian and American Colonial handiwork.

Courtesy of Community Service

At Certain Hours This Village of Playhouses in A Hartford Park Is Busy with Small Mothers and Housekeepers

The Recreation Commission of Paterson, New Jersey, feels a definite responsibility for providing recreation for the thousands of men and women, and girls and boys who are employed in the city's silk mills. That is why there is so much play activity in Paterson at noon hours and from closing time until dark. Baseball is, of course, one of the most popular activities. The Industrial Baseball League is made up of twenty-six teams, eight in the silk dyeing league, eight in the silk manufacturing league, and ten in the general manufacturing league. A public school league, organized last year by the board of recreation, has aroused keen interest among children, teachers and adults in securing more space, both indoors and outdoors where the children can play. Just now, at the request of the sheriff, the board is turning its attention to the inmates of the city jail and plans are under way for providing recreation for them.

RESULTS

An active superintendent of recreation has to do with almost every phase of the city's life. He is first lieutenant to the superintendent of schools, to the public health officer, to the chief of police, and to the judge of the juvenile court, for his job begins where the jobs of educators, health officers, policemen and judges leave off. Through his staff of recreation directors, he can supplement the play that is started in the school and in the school yard. In the same way he can bring a chance for the right kind of exercise to the boy or girl whom the school physical examination showed to be under par, and he can provide a well-supervised dance hall for the young person whose desire for a good time has led to a rather bad time in the juvenile court.

The superintendent of municipal recreation, though he has plenty of uphill sledding, does see results. He sees them in the health, in the deportment and in the team spirit of the school children. He sees young people leaving amusement resorts of questionable reputation and overtaxing the facilities of strictly regulated amusement places provided by the city. He sees the street loafer of the town become the crack pitcher on a baseball team, or captain of a rowing crew. He sees stagnant civic life change into a clear flowing current purified of the poisons accumulated through inaction. Is play a luxury that only rich cities can afford? Just ask any experienced superintendent of city recreation and see what he tells you.

LESSONS FROM GOVERNMENT EXPERIENCE IN HOUSING[1]

BY HARLEAN JAMES

Secretary, American Civic Association

The government's experience as builder and landlord was justified only by war. The department of agriculture, which is confined to the collection and dissemination of information, forms a better precedent for the government's activities in housing. :: :: :: ::

All of the lessons learned from the experience of the government in building houses for industrial and clerical workers were not new. Perhaps none of the lessons were new. To many the experience was more in the nature of what might have been expected.

Because of the reluctance of our citizens to see the government embark in business and because of the further delay in securing congressional action it was not until March of 1918, almost a year after the United States entered the war, that the shipping board was authorized to spend money for housing purposes, and not until July of 1918, after we had been at war nearly sixteen months and less than four months before the signing of the armistice, that the United States Housing Corporation was permitted to disburse funds. For this reason the demonstration was less effective and useful than if houses had been built and occupied during the war work.

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[1] An address before the sections on industrial and economic problems and on local community of the National Conference on Social Work.

By the time that the government entered the field it had become apparent that only quantity production of houses would make any impression on the housing shortage in war industrial communities. The original estimates of time required for planning, ordering and erecting the various classes of housing had to be revised. In 1918, with nearly all of the available supply of skilled labor already in war service, with the dependable supplies of material familiar to architects cut off, with transportation demoralized, with authority to commandeer shipments scattered in a hundred hands, it is not to be wondered that the armistice found the shipping board and the Housing Corporation in the early throes of quantity production.

In short, because the government only undertook housing after it had become absolutely impossible for private enterprise, except for a very unreliable and sometimes conflicting authority to secure materials, shipments and labor, it had no advantage over private enterprise. It must pay the same prices, it must deal with the same quality of labor, it was subject to the same delays and hardships. Indeed the men who became government officials and bore the responsibility of incurring the bills were often appalled at the mounting prices which made the estimates of last week inaccurate and those of last month absolutely worthless. If it had not been for the fact that post-war prices from November of 1918 to July of 1920 continued to rise to a point not reached during the war, which made replacement values of the few houses completed after the signing of the armistice much more than the amount actually expended, the cost of producing these houses would have seemed a scandal to those who knew only pre-war conditions. The government, therefore, was not in a position to make any demonstration in the way of low-cost production of houses.

WHAT WAS ACCOMPLISHED

The United States Housing Company, which had in hand on November 11, 1918, housing for 21,000 families at an estimated cost of nearly $150,000,000 and for nearly 25,000 single men and women at an estimated cost of nearly $120,000,000, only completed housing for about 6,000 families and accommodations for about 8,000 single workers. Some of the dormitories completed were never occupied, and others but a short time before peace did away with their need. The housing program of the shipping board was reduced in like manner at the signing of the armistice.

We now ask ourselves what was accomplished by the building of these government houses, few of which were actually occupied during the war. Undoubtedly many a man was kept on the job because he saw visible evidence that he would be provided for, even though he might be sleeping in shifts in a bed occupied by others while he worked and took his recreation. But this service was psychological and ended with the war.

Counting the lessons learned which hold over into peace times it may be said that the permanent houses were, on the whole, a good example in the neighborhoods where they were built. The government housing, even in its by-product for peace, cannot be said to be wasted effort.

But when we scan the whole field of the present housing shortage, when we analyze its causes and recommend remedies, what shall we say of the future? How can the government be effective in the present situation? Shall we follow the example of England and involve our government in an expenditure for housing which Mr. Thomas Adams has estimated will reach a net loss of $100,000,000 each year for the next sixty years in order to provide less than half the houses we need now? Shall we subsidize the builders and occupants of cottages by a general tax in a time when high taxation is automatically limiting production of houses?

If we believe the policy of subsidizing tenants, home owners and builders to be ineffective and wrong in principle, shall we drift with the tide and allow the housing shortage to multiply social iniquities until finally, in a frenzy of building, we hastily erect thousands of inadequate houses, illy planned, poorly constructed, designed definitely to lower the standard of living already achieved? Or shall we recognize squarely that the government has had a hand in producing the housing shortage and should, therefore, take a hand in ending it?

GOVERNMENT RESPONSIBLE FOR PRESENT CONDITIONS

While much of the decline in home building in the years before we entered the war may be traced to increased costs due to expanding opportunities for export of commodities, the present deadlock has been due in large part to governmental interference with the established channels of investment. From the time when government bonds were made exempt from tax and the federal income tax on mortagages was set at war levels the flow of money into building enterprises has been obstructed. During the war, of course, all building not for war production was first discouraged and then forbidden. The embargo on the manufacture of many articles used in construction of houses limited building supplies, and in many instances our post-war troubles with transportation, coal and labor have led manufacturers to await a more propitious time to resume operations on a pre-war scale.

For the dislocation of credit and the new channels of investment, for the interruption of physical production of building supplies and for the arbitrary transfer of labor, the government has been primarily responsible. However justified we may believe the government to have been in its past action, the government may rightly be held to the responsibility of correcting the deplorable situation which it has helped to create.

The problem then resolves itself into a query as to how the government can accomplish this result. Most of us agree that there is no quick cure-all for the housing shortage. Most of us agree that government subsidy is no cure at all. Some disappointment has been voiced by the press and by hopeful citizens over the housing recommendations of the Calder select committee on reconstruction and production, but I venture to say that most of the criticism has come from those who scanned the pages of the report, which appeared in March of 1921, looking for something new, drastic and immediate. Those who labor in the social field know that only by sound, well-considered policies, applied over a long period of time can extensive social and economic advance be effected. Twentieth-century housing standards, as various and unsatisfactory as they are, mark a great improvement on what existed before.

They were only acquired at the cost of years of unremitting effort on the part of the pioneers in the field of housing reform.

If we are not to subsidize wage earners we must find a way to produce houses with decent living arrangements at a price which wage earners can pay. Standard of living is inextricably tied up with the pay envelop.

WASTES TO BE ELIMINATED

Let us take first the wastes which could be eliminated in house building.

The war experience in building houses only demonstrated what many housing specialists have known, that there is no standardization of parts. Even in the small house electric connections are often not interchangeable; in fact, floor and socket connections seldom interchange with ceiling and wall fixtures, and that housewife is fortunate whose coffee urn, toaster and smoothing iron can be used at will in any house connection. There are said to be something like 22,000 items of house hardware advertised in the catalogs, and many of these are changed from year to year. A broken door knob, lock or hinge, after a few years, is quite often found to be "a discontinued pattern." If electric supplies, hardware and mill parts were sufficiently standardized to make it possible to buy a house, like a Ford car, manufactured by the thousand, costs could be greatly reduced, without the least necessity of making the houses all look alike. If we built our Ford cars as we do our houses we should be paying Packard prices for the plainest kind of a car. Savings could be effected through standardization of parts.

Building codes often require unnecessary expense. In Skedunk foundations for certain kinds of houses may be required by law to be twice as thick and twice as expensive as in Podunk, and yet the requirements in Podunk may be quite adequate. Building codes at present are seldom scientific; but practically all the items covered in such laws could be determined by such experiments as are carried on in the bureau of standards. Saving could be effected through determination and adoption of scientific building codes.

Economic construction is under a handicap because of the complicated and unwieldy machinery for determining fire insurance rates and regulations. The insurance companies unite in general inspection companies for territorial districts. These inspection companies have combined into unions, the Eastern and the Western. An underwriters' laboratory for testing building materials is maintained in Chicago but no inspection company is obliged to accept the decision or recommendations of this laboratory. There is, consequently, a great diversity in types of building and building materials acceptable under the various jurisdictions. Apparently decisions in many districts are still made on the basis of *personal* judgment of the executive officer in that district and as these general inspection companies are maintained by the insurance companies themselves there is no appeal from their decisions on the part of the public. Waste, due to use of antiquated methods and materials acceptable to fire insurance companies when modern inventions and processes might be used if the companies would permit, would be eliminated.

Those who have built homes in what promised to be a charming neighborhood and suffered discomfort if they remained and financial loss if they sold because of the building of a tall apartment house, set on the street line, or the advent of a tombstone cutter, a Chinese laundry or a noisy public garage in their block, are able to appreciate the protection to home and investment offered by sensible zoning laws. Those who have paid taxes on unnecessarily deep lots, or paved unnecessarily wide streets, will appreciate the saving to be effected in town planning. Those who have suffered from lack of sufficient light and air because of the misdeeds of their landlords or their neighbors will appreciate the protection from proper housing laws. Saving could certainly be effected through zoning, town-planning and housing regulations.

Economic studies to determine the relation of fuel and transportation to housing costs would perhaps lead to intelligent recommendations for minimizing this element of cost. There is much information which could be made available concerning labor and prices of material at the mill, wholesale and retail. Information of this nature would be pretty sure to lead to saving in costs.

GOVERNMENT A POOR LANDLORD

So much for the building of homes. With all the vexations, delays and difficulties, the government experienced fewer complications in building its houses than in operating them, whether as landlord or large mortgage holder seeking to protect its equity and bearing the responsibility of collecting installments on the purchase price. The difficulties of construction are forgotten as soon as the houses are completed, but the difficulties of operation continue so long as the house stands.

In its relation of landlord the government found even more complications than a private landlord. Tenants almost invariably expected more from the government than they would from private individuals. Many believed that there had been an enormous private profit which the government could immediately eliminate. In some cases, tenants felt less responsible to the government, probably due to the same psychology that prompts a person, who would deal quite honestly with another individual, to justify himself when he treats the property of a corporation carelessly. When, as in the case of the government hotels, the tenants were also employes of the government, the landlord and tenant relationship was further complicated by the employer and employe relationship. The government hotels can only be justified as a war measure and as a demonstration that the essentials of healthful housing, including a hearty, balanced diet, contribute to efficiency as well as human happiness.

A good start on the methods of management in the case of the houses sold to citizens was made, and it has been thought by some that further experiments in co-operative management or other new forms might be useful to the country. The whole field of management of housing is yet in its infancy. Much remains to be done.

PROPER GOVERNMENT ACTIVITY

The possibilites of contributions to the housing problem must be recognized by those who have analyzed the situation. It is proposed by the Calder-Tinkham bill (S. 1152—H. R. 5227) to establish in the department of commerce a division to secure and make public the best information of experts on each of these problems in order that builders may be in a position to construct houses more cheaply, that home owners may know how they may protect their investments and that tenants may acquire standards by which to measure their rentals and their accommodations. No one will deny that the department of agriculture, by just these methods, has been able to make the business of farming of infinitely greater benefit to the farmers and to the consuming public. There is no more reason for the government to enter the housing business, as a competitor with private enterprises, than for it to enter the farming business. The service which the Federal government can give, with reasonable certainty of producing beneficial results, is one of research, experiment and distribution of valuable information. This is just what the department of commerce proposes to do.

Congress in the recent deficiency bill transferred $250,000 from the Bureau of the Census to the Bureau of Standards in the department of Commerce. $50,000 of this may be used for continuation of investigations of structural materials and for the collection and dissemination of scientific, practical and statistical information concerning housing; $100,000 for investigations to assist new industries; and $100,000 to co-operate with government departments, engineers and manufacturers in the establishment of standards, methods of testing, and inspection of instruments, equipment, and electrical and mechanical devices.

The Calder-Tinkham bill would create a permanent division "to collect, classify, arrange, and disseminate such scientific, technical, practical, and statistical information as may be procured or developed by research or otherwise, showing or tending to show approved methods in building planning and construction, standardization, and adaptability of structural units, building materials, and codes, economy in the manufacture, distribution, and utilization of building materials and supplies, transportation rates and facilities, periodical fuel and labor costs, production capacity, actual production, imports, exports, and available stocks of building materials and supplies, and periodical statistical information relating to prices of building materials and the volume of construction and housing, including information covering habitability, rental values, credit rates and facilities, and other matters relating to construction and housing." The bill would also grant authority for transferring the records of the shipping board and the Housing Corporation which could be made of service to the public.

You may object that you have heard of all these possibilities for years but that nothing has come of it. True, little has come of our private talk. That is why this task should be undertaken by the Federal government. Only the Federal government can command the resources to secure and disseminate reliable information thoroughly which will be accepted by the general public. This is a service peculiarly fitted to our theory of government, a service which should be helpful to all the people and yet with no hint of control. The bill is based on the theory that if the people know the facts they will be intelligent enough to act on them.

REASONABLE CREDIT

The activities of the department of commerce should be supplemented by government action to extend legitimate credit on real property. Through the Home Loan Bank bill (S. 797) and an amendment to the Federal Reserve act (S. 1836) it is hoped to make it possible for home owners and home builders to secure sound credit without the obligation of paying prohibitive fees for securing loans in addition to all the law will permit for interest.

The establishment of home loan banks would provide a very valuable extension of credit; but the passage of the bill has been delayed, possibly because of its tax exemption features. Tax exemption is a charity, but as Mr. Franklin T. Miller so aptly says, when justice is not done charity becomes necessary. The government and the financiers have been unjust to the home builders in penalizing mortgage investments. Unless they retrace their steps immediately it will be necessary for the government to extend the charity of tax exemption which is only palliative for a disease contracted at government hands. It is no permanent cure and no one can predict how much actual relief it will bring to a highly complicated disorder.

The amendment of the Federal Reserve act strikes more at the root of the matter and would permit national savings banks to make long term loans on real estate. At the present time national banks are only permitted to loan on real estate up to 50% of the value for a period of six months. Formerly the banks made short term loans from their checking accounts and long term loans on accredited securities from their savings accounts. The saving banks, however, attracted by the profits of frequent turnover, have increased their short term loans.

Have you ever stopped to consider that the money deposited in the savings banks belong to the people? The deposits in town and country banks particularly represent the savings of the community. Even if the amendment to the Federal Reserve act should be passed, it would be necessary for the depositors to exercise their authority before generous loans on real estate would become common. It is true that the banker could no longer assure the would-be borrower that much as he would like to accommodate him he was prevented from doing so by the law of the land. If only half of the $2,000,000,000 of the people's money deposited in savings departments of national banks were released into housing through mortgages up to 60 per cent of the value, nearly half a million new houses could be financed from this one source alone. The example would undoubtedly release other credit. The Lockwood committee in New York has drawn a comparison between the shrinkage in railroad securities held by a prominent insurance company and the safe and sound mortgage investments of another.

You can see how closely extension of credit is tied with economy of production which will make *cost* of production represent real value. You can see also how this affair of credit is dependent upon maintenance of values by protection of neighborhoods through zoning and upon economy of land layout and street improvements attained by intelligent city planning. The wage earner can never command a fair proportion of credit for home building until his capital investment is squeezed dry from all those overweights of expense which he ought not to afford and protected from artificial and arbitrary shrinkage in value due to neighborhood changes.

We want to see our nation a country of home owners. If our citizens are to be wise rulers of the republic they must carry their share of the responsibilities which come from consecutive participation in community affairs. If the war is responsible for inaugurating a government service which will enable our citizens to become intelligent home owners in well-planned, convenient communities, with pride in their local self-government and faith in their national institutions, the Federal government will have made a reconstruction contribution of infinitely greater value than it was able to make by means of the war housing actually produced.

DEPARTMENT OF PUBLICATIONS

I. REVIEWS OF REPORTS

The St. Louis Rapid Transit System, Present and Future. City Plan Commission. 1920. Pp. 36, with 18 maps, charts, and diagrams.

Report on Proposed Rapid Transit System for the City of Seattle. By A. H. Dimock, City Engineer, Carl H. Reeves, Superintendent of Public Utilities, and D. W. Henderson, General Superintendent of Railways. 1920. Pp. 8, with 8 illustrations.

While there is urgent need to-day in American cities to have local transportation revised and future lines provided in accordance with the broadest principles of city planning, at the same time there are certain principles of transportation which should not be ignored, and especially the experience of cities which have rapid transit systems in operation. Interesting as is the St. Louis report in some ways, it is very disappointing in its recommendation of subways for surface cars, especially in view of the drawbacks of such subways in Boston, after a trial of twenty-three years, as both extravagant and unsatisfactory in cost and operation, merely transferring many of the street car troubles underground. In the light of John A. Beeler's conclusive report of 1917 on the Boston situation, it is difficult to understand why subways for surface cars have been so persistently recommended for Chicago, Cleveland, Pittsburgh, and now St. Louis.

A marked contrast to the action of these cities is found in the rapid transit report of the city of Seattle, which is unique in many ways for the breadth of the principles adopted and the avoidance of the mistakes of other cities. Train operation alone is provided for on the proposed rapid transit lines, with free and convenient transfer to surface lines, and such co-ordination with the latter as to permit the largest possible mileage of surface tracks to be removed from the streets, and also to get such real economy of operation as would make the rapid transit lines pay. Seattle is also profiting by the experience of other cities in planning to have all elevated structures ballasted, following Philadelphia in this respect, and avoiding the obsolete and noisy construction found in New York, Chicago, and Boston.

Even the Seattle plans, and still more those proposed for St. Louis, appear open to the suggestion, based on the experience of New York, that every large city should be provided at an early date with real rapid transit service, by means of express trains, operating out from the existing business center along some axis chosen as the best for spreading out the business district, with local service to be furnished, either by surface cars, as along the route of the Cambridge-Dorchester subway in Boston, or else by local trains in a four-track subway, as in New York. It is curious that the advantages of spreading out business along the four-track subway routes in New York has been so little recognized, and especially the growing opportunity for walking to work afforded to all classes, living along the length of Manhattan Island.

It appears very difficult for either the city planner or the transportation engineer to get away from the idea that all cities should be round, and that all transit lines should radiate from a business center. But the more one studies the effects of rapid transit on the growth of New York, the more one is convinced that the real aim of rapid transit should be to spread business and industry out so that more and more people can live in outlying sections and walk to their work, rather than that transit lines should be laid out so as to try to force all workers to ride farther and farther between their homes and a congested central district.

John P. Fox.

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Constitutions and Constitutional Conventions in Missouri. By Isidor Loeb. Columbia: The State Historical Society of Missouri. 1920. Pp. 56.

This pamphlet deals primarily with the Missouri constitutional convention of 1875. It reports five constitutional conventions, the first two before Missouri became a state. The first of these was adopted in 1820 and continued to operate until 1865. In 1845 a constitution was rejected by the voters. During the period of secession four sessions of a convention were held, when a number of constitutional amendments were adopted, and in 1865 a constitution was adopted. A résumé is given of the several conventions prior to 1875 in order to show the influence upon the later document.

One of the greatest differences between the 1875 constitution and the earlier ones was its size. It consisted of fifteen articles and a schedule. The article on the legislative department expanded more than 200 per cent. The author points out the evidence which shows a lack of confidence in the legislature. The main cause of this lack of trust was the abuse of special legislation. Financial limitations were also placed upon the legislature. The governor's veto power has been strengthened, and a short ballot substituted for a long one by provisions incorporated into the constitution.

Since 1875, ninety-nine amendments have been proposed, of which the twenty-three have been approved by the voters: a separate ballot for constitutional amendments and legislative acts referred by petition is provided.

If the voters express a desire for a constitutional convention in August, 1921, the historical data contained in this pamphlet will be invaluable to its members.

L. H.

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A Plan of Administrative Consolidation for Maryland. By Griffenhagen and Associates. The State of Maryland, Baltimore, Md. 1921. Pp. 66, with charts.

This is the title of a printed report submitted to Governor Ritchie on April 15 by Griffenhagen and Associates of Chicago. It proposes a plan of administrative reorganization which involves constitutional as well as statutory changes. The eighty-five existing administrative agencies are to be consolidated into twelve departments and offices. The governor is to be the only elective official, serving for a term of four years as at present. There is to be a comptroller appointed by the legislature who will perform the functions of independent audit and control over the administration. Directly under the governor there is to be an executive department, the administrative work of which will be under the direct supervisions of the secretary of state appointed by the governor. Ten other departments are to be established, namely, finance, law, militia, welfare, health, education, public works, commerce, labor, and employment and registration. Each of these departments is to be headed by a director appointed by the governor and serving at his pleasure. The directors will constitute the governor's cabinet and the secretary of state will act as secretary of the cabinet. The heads of bureaus in the departments are to be "permanent" officers qualifying under the merit system law recently adopted in Maryland.

The report is not excessive in length (66 pages); it is readable and on the whole very well done. Many other states would profit by having a similar survey made of their administrative agencies. Governor Ritchie has handed this report to a special commission which is now using it as a basis for working out a plan of reorganization to be submitted to the legislature next spring.

A. E. Buck.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

President's Reorganization Committee About To Report.—The Joint Committee on Reorganization of the Federal Administration, of which Mr. Walter F. Brown of Toledo is chairman, is about to issue its recommendations. The conclusions of the committee have been reached, after careful consideration, by grouping the present activities upon the principle of major purpose. When the major purpose could not easily be determined, as in the case of the consular service, some determining principle was sought. When the contact with business involves a foreign political unit it was thought that the service should be held in the state department; where the contact comes between American and foreign business it was thought that the service should be handled in the department of commerce. But because the consular offices are employed to gather commercial information, it is proposed that a representative of the department of commerce be stationed permanently in the offices of the state department in order to establish a sound and easy channel for the making available of commercial data secured by the consular service. This is simply an illustration of the method pursued.

In general the departments will probably line up as follows: state, national defense, treasury, interior (divided into public lands and public works), justice, post office, agriculture, commerce, labor and public welfare. The department of national defense will probably not provide for a separate air service, but the organizations of the army and navy will be preserved very much as they now are, with perhaps a single bureau of supply to serve both. It will be the purpose to eliminate all civil functions from the new department of national defense. Commerce will inherit all marketing functions, rivers and harbors, the Panama and other canals, and the life-saving stations from the coast guard. The administration of our island possessions will probably be gathered from the war, navy and interior departments, and placed as a bureau of insular affairs under the public domain of the department of the interior. Alaska will probably form a separate bureau of this same division. The department of public welfare will undoubtedly include: public education; public health; veteran rehabilitation, including pensions, war risk, rehabilitation activities and vocational training; and social service, including immigration, naturalization and the children's bureau. Indian affairs may be placed under public education.

Only one new activity will be recommended—that of an executive secretary or assistant to the president, with a suitable staff. Of late years the burdens placed on the president of the United States have entirely outgrown the very modest staff with which he is provided. It is, therefore, proposed that a new post be created which will probably command a remuneration and importance superior to that of cabinet officers.

The report of the committee is thus promised with surprising and gratifying promptness. The whole question of reorganization will then be squarely before congress. H. J.

✤

Radical Judiciary Reform Fails in Louisiana.—The Louisiana State Bar Association presented the constitutional convention with the draft of a modern judiciary article. But the very painstaking efforts of the association's committee made very little impression upon the convention, although that body had 91 lawyers in a total membership of 146. The recommended plan provided a presiding justice for each of four districts, and a council of judges to assist him in administration. It provided complete rule-making powers and a supreme judicial council to exercise such powers and generally to supervise the operation of the entire system of courts. Meetings of judges and statistical reporting were provided. An ingenious and promising plan for selection of judges was worked out, whereby the governor would appoint, with the consent of the senate, from a list of eligibles submitted by the supreme court. At stated periods the people would vote upon the continuance of judges in office, and they would continue unless a majority of those voting on the office of governor should vote in the negative. This would provide an expertly selected judiciary, with reasonable security of tenure, and sensible provision for removal at a popular election.[1]

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[1] For the text of this report see *Journal of the Am. Jud. Soc.*, Vol. V, No. 1.

The article accepted by the convention ignores the need for rule-making powers, for unified administrative powers and meetings of judges, and offers no new ideas in respect to selection. It has the common defect of creating an elaborate system almost beyond reach of legislative relief and supposed to function by the miracle of individual efficiency guided by numerous detailed provisions. The confines of every district are constitutionally fixed, and even the number of days that certain courts shall sit. In New Orleans five trial courts are provided, several being of the obscure and inferior type which all large cities are endeavoring to escape from.

There are certain detailed provisions which deserve commendation: divisions of the appellate and supreme court shall reach their conclusions before assigning cases for the writing of opinions; there is provision for voluntary retirement and pension which should meet the common difficulty of the superannuated judge; the supreme court is given power to require all judges and officers to make reports; and the legislature is permitted to reduce the number of justices of the peace in any parish, or abolish the office entirely. The article is a workmanlike instrument, its defects being lack of vision on the part of its proponents, and not lack of skill in developing the old theory of a state judicial system.

Herbert Harley.

✤

The Minneapolis Election.—On June 13 Minneapolis held its first election under its new home rule charter, which it adopted last November. The contest for office of mayor was very heated, not to say bitter, despite the fact that the Minneapolis mayor has about as little power, aside from appointing the chief of police, as one could well imagine.

The law provided for nominations by primaries without reference to party affiliation, but the Republicans held an extra-legal pre-primary convention and endorsed Col. George E. Leach of the 151st U. S. Field Artillery. He was endorsed also by numerous Democrats and others who were fearful of having the city controlled by Socialists, Non-Partisan Leaguers and other radicals. He and Thomas Van Lear, former Socialist mayor, won the nominations in the primaries.

The control of public utilities and the war, and anti-war records of the two candidates, were the most prominent issues discussed in the campaign. The recent session of the state legislature passed a law putting the control of street car fares in the hands of the state railroad and warehouse commission. The passage of this law was considered a great victory of the Twin City Lines, whose charter expires in 1923, and whose efforts at renewal have kept Minneapolis stirred up for several years past. The importance of the recent city election was minimized greatly by this new state law, but gas, electric and telephone rates are still issues in city politics. Leach won the election with a total of 79,245 against 64,853 for Van Lear.

Some of the aldermanic contests were almost if not quite as heated as the mayorality one. The new council will be composed of 12 so-called radicals and 14 conservatives. This is a distinct gain for the former, and leaves the latter with a bare majority.

Roy G. Blakey.

✤

County Government Notes.—The county home rule constitutional amendment in Michigan which failed at the regular session failed again at the special session through the opposition of the representatives of rural communities. A conference was held in Grand Rapids in June, and voted to bring the project before the people at the polls by an initiative petition at the next opportunity, which will be the November election of 1922. The text of the proposed amendment stands as follows:

> Section 7. . . . Provided, however, That the Legislature may provide by general law for the government of counties by an elected commission consisting of not less than three nor more than nine electors thereof, who shall be chosen from districts as the Legislature may provide; such commissions shall exercise the present constitutional powers of and perform the duties vested in the boards of supervisors and boards of county auditors, and such other powers as may be conferred by general law; the legislature may provide therein for the appointment by such commissions of any or all county officers; but no such general law shall take effect in any county unless and until adopted by sixty per centum of the electors thereof voting upon the question of its adoption. . . .

It will be noted that this amendment contemplates the abolition of the large boards of supervisors and makes possible a more compact governing body. It removes the constitutional barriers to unification of powers and a short ballot, and permits a county manager.

✤

The civic organizations of Detroit made an effort at the last legislative session to improve the office of coroner in Detroit (House Enrolled

Act No. 173). As usual, with measures dealing with this refractory and obscure office, political powers rallied swiftly in opposition to the effort at improvement. The bill was defeated.

✤

An unofficial county charter committee in Sacramento is completing its plan looking to the election during the summer of a board of freeholders to frame a county charter on the county-manager principle.

✤

The Indiana legislature has passed the constitutional amendment to lengthen the term of county officers to four years and to permit abolition of the county surveyor, the purpose being to shorten the ballot.

R. S. C.

✤

Soldier Preference Law Held Void.—After two defeats in the lower courts, the New York State Civil Service Reform Association succeeded in securing a verdict in the New York Court of Appeals declaring void the law passed in 1920 giving preference in promotion to civil servants who had taken an examination for promotion and thereafter entered the military or naval service of the United States. Albert DeRoode represented the Civil Service Reform Association. With him on the brief were Elihu Root and Samuel H. Ordway.

The basis on which the law was claimed to be unconstitutional was that Article V, Section 9 of the Constitution provides for appointments and promotions to be according to competitive examination, except that there is a specific preference to Civil War veterans for appointment and promotion without regard to their standing on a list. It was contended generally that the constitution having provided a uniform system of promotion, with only one specific preference, the legislature could not lawfully give any other preference.

The effect of the law, if it had been upheld, would have been to give any person, who was on a preferred list at the breaking out of the war, and thereafter had merely entered the military or naval service, an absolute right to appointment to the position for which he took the promotion examination, irrespective of his standing on the eligible list. In this particular case, it was sought to prevent the appointment under this law of a man standing 363d on the list.

Under this decision the disabled veterans' act and the veterans' preference act, passed in 1921, extending absolute preference in appointments to disabled veterans and a measure of preference to all veterans, are probably unconstitutional. However the people will vote this fall on a constitutional amendment giving veterans of the late war the same preference as the constitution at present extends to the soldiers of the Civil War.

✤

Berkeley Votes for Zoning.—The zone ordinance of Berkeley, Calfornia, has been ratified by an advisory vote of the people. This ordinance provides for regulation of the use of property only, there being seven classes of use districts established—one for general residence, two kinds of business districts, two kinds of industrial districts, and two kinds of special use districts. It was prepared by the Berkeley city planning and civic art commission under the guidance of Charles H. Cheney as technical advisor, and was adopted originally by the city council in the early part of 1920, and its trial for nearly a year convinced the people of its value.

Mr. George L. Schneider, president of the city planning and civic art commission, in a statement made after the election vote had been analyzed, pointed out that while there was some opposition, it was definitely traceable to selfish interests which wanted to put warehouses or other undesirable buildings into residence districts where the majority of the neighborhood did not want them. In every case neighborhoods which had been previously invaded, or threatened with invasion, voted solidly for the ordinance, because the people in them understood the importance of zoning protection.

In establishing only one general residence classification, this ordinance does not repeal the previous piecemeal zone ordinance originally passed in March, 1916, which established several square miles of the city as districts for single family dwellings only, and provided for three other kinds of residence districts. The city has, therefore, in reality, eleven classes of use districts.

✤

Referendum Develops New Quirk in Missouri.—A referendum has been ordered on several important measures passed by the recent Missouri legislature, which was Republican and led by a Republican governor. The campaign for the necessary signatures to the petition was conducted by the state Democratic organization. The measures ordered to referendum include a number of administrative consolidation bills, a judicial redistricting bill, a bill establishing a state budget system, a county unit educational bill and a workman's compensation measure. Under the law of Missouri these will not come to vote until November, 1922.

This is believed to be the first instance in which a political party carried to referendum practically the whole legislative program accomplished by the opposing majority in the legislature. The governor has pointed out that 70,000 people have nullified the results of an election in which 1,300,000 participated. The county unit bill and the reorganization measures followed lines generally progressive. How far the governor's party was moved by the "ripper" features of these measures cannot be determined. The minority, however, charges that these considerations controlled.

Already measures have passed one house of the special session of the legislature prohibiting payment for the circulation of petitions and amending the constitution by increasing the percentage necessary to call out a bill passed by the legislature. It is feared that if political organizations thus undertake to obstruct the state government, the referendum will become a means of legislative sabotage. The Republican majority may retaliate by repealing the present bills and re-enacting them in substantially the same form. The expense and trouble of a second petition would then be necessary.

⁂

Alameda County to Have Manager Charter.—The first county manager so long awaited now seems likely to appear in Alameda county, California, although he will bear the special title of city and county manager. Alameda county includes Oakland, Alameda and Berkeley and seven smaller municipalities, so closely adjacent that local government has become very complex, and the tax rates 70 per cent higher than that of the combined city and county of San Francisco across the bay. Consolidation has been discussed off and on ever since 1912 under the leadership of the Tax Association, and a special constitutional amendment, applicable only to this county, was secured in 1918 leading to an election of a board of freeholders, February 3, 1921, with a mandate to submit a county manager charter not later than August, 1921. The freeholders at this writing have stated that the charter will merge all units within the county in one municipal government. All local powers will be vested in the central government except those expressly delegated to the boroughs. (Some degree of borough autonomy will be preserved.) There will be a council and manager. For tax purposes the city-county will be separated into a metropolitan district and a rural district.

R. S. C.

⁂

Wide Choice in Federal Departments.—If all pending bills to create departments and bureaus of the United States government were adopted we should have:

Departments of Aeronautics (H. R. 3718); Conservation (H. R. 6378); Education (H. R.7—S. 523); Federal Highways (H. R. 2240); Health (S. 526); Land and Natural Resources (H. R. 4895); Mines (S. 1957); Public Works and Public Lands (S. 1896); Public Welfare (S. 1607 and 1839—H. R. 5837); Social Welfare (S. 408, replaced by S. 1607).

Bureaus of Aeronautics (in Navy, S. 656); Deaf and Dumb (in Department of Labor, H. R. 4108); Veteran Establishment (in department of Interior, H. R. 2283), (in Treasury, S. 925); Citizenship (H. R. 5346); Study of Criminal, Pauper and Defective Classes (H. R. 5617); Insular and Territorial Affairs (in Department of State, S. 1874); Supply (S. 1953).

H. J.

⁂

Denver's Charter Preserved.—A series of initiated charter amendments radically modifying Denver's present short ballot charter met the disapproval of the voters at an election recently. The present charter makes all administrative offices appointive except the mayor and auditor and places full responsibility with the mayor. The amendments would have increased the city council from nine to seventeen, reduced the number of officers appointed by the mayor and added seventeen elective offices, abolished preferential voting and reduced water rates 10 per cent. The present mayor and council would have been legislated out of office.

The present mayor has been charged with using his office for political ends and permitting harmful moral influences to exist unchecked. The people of Denver, however, are to be congratulated upon their political sagacity, which enabled them to appreciate that their short ballot charter enables them properly to locate blame for misgovernment, and that they did not burn down the house to roast the pig.

Kalamazoo's New Charter.—At the election last spring the people of Kalamazoo elected a charter commission to frame a new charter of the mayor-alderman type. The commission is now at work. Indications are that the present reaction against city-manager government will result in anything but an approved form of mayor and council government. The commission has rejected the plan for a strong mayor with well-arranged departments under single heads, in favor of administrative boards appointed by the mayor subject to confirmation by council. The terms of board members are to overlap and they are to serve without pay.

⁂

Fresno Adopts Novel Charter.—Fresno, California, has adopted a charter providing for a commission of five members elected for four year terms. Provision is made for a commissioner of public safety and welfare (ex-officio mayor), a commissioner of finance, commissioner of public works, and two additional members, to be known as the legislative commissioners. The first three have complete supervision of their respective departments and with the two additional commissioners appoint a city-planning board, a social service board and various municipal officers as well as performing the duties usually found in the commission plan. The commissioners of finance and public works are intended to be specialized experts but elected by the people.

Edwin A. Cottrell.

⁂

Maryland Considers State Reorganization.—Governor Ritchie has appointed a state reorganization committee to report a plan for reorganizing the administrative departments. A smaller sub-committee, headed by W. M. Maloy of Baltimore, will do the real work. The scope of the committee's work is yet to be determined.

⁂

Louisiana Secures New Constitution.—The Louisiana constitutional convention has promulgated a new constitution, and adjourned. Those who fought for its submission to the people for acceptance or rejection lost, and the constitution goes into effect without an expression of popular vote. The new organic law will be analyzed in our next issue.

⁂

Second Connecticut Town Adopts Council Manager Plan.—Stratford, Connecticut, follows closely upon New London in adopting a council manager charter by the same vote of 2 to 1. The council consists of nine members elected by districts and subject to the recall. The charter follows the approved form and includes the initiative and referendum. The League's literature helped in the campaign.

⁂

The Cleveland Campaign for a manager charter waxes warm. At this writing it is probable that the city council will succeed in preventing a special election in September. The election, therefore, will probably be held in November.

⁂

Reorganization in Connecticut.—The civil administrative code consolidating the administration of Connecticut under ten departments was defeated in the recent legislature. A bill was passed creating a new commission to study the subject further and report to the next general assembly.

II. ACTIVITIES OF AMERICAN CIVIC ASSOCIATION

Watch for Civic Revival Week—November 12-17, 1921!
Would a War Memorial Exhibit Increase the Interest in Civic Revival Week?
What twenty towns will form the Town Conference Circuit for 1921?

Official Trip to Yellowstone and Kings River Canyon.—Following the practice of the American Civic Association of securing reliable information on controversial issues in order that its board and its members may arrive at intelligent conclusions, a trip has been organized this summer to the Kings River Canyon. Applications have been filed with the Federal Power Commission for power sites in the Kings River Canyon by the cities of Los Angeles and Fresno. Some of these developments would lie with the area of the proposed Roosevelt National Parks. Messrs. Desmond Fitzgerald, Frederick Law Olmsted and Harlan Kelsey are, at their own expense, making a careful survey of the situation on the ground. Through the financial co-operation of the Audubon Society and the Sierra Club it has been possible to arrange for an official photographer to accompany the expedition. The party will stop at the Yellowstone, where an effort will be made to secure as complete data concerning the Yellowstone River as was secured last year by Mr. William C. Gregg concerning the Falls River Basin.

The findings of the expedition will be made available in the autumn.

✤

Roanoke Comes In.—The civics division of the Association of Commerce of Roanoke, Virginia, has become an affiliated member of the American Civic Association and a subscriber to the REVIEW. The division issues monthly a multigraphed communication to its members called *Civic Sparks*. This is a suggestion for those organizations which have been forced to discontinue their organs because of the high cost of printing.

✤

The Route of Resolutions.—The resolution which the American Civic Association passed at its board meeting concerning the National Botanic Gardens was sent to the President of the United States, who, in the course of routine business, transmitted it to the chairman of the Commission of Fine Arts. But Honorable Charles Moore, chairman of the commission, did not allow the matter to rest there. In his acknowledgement of the reference of the resolution to the commission by the President, he states, under date of July 11: "The purpose of the resolution is to call to the attention of the President the fact that the American Civic Association desires to support the action of congress concerning the site for the Grant Memorial and also concerning the proposed creation of a National Botanic Garden in the city of Washington." Mr. Moore also calls the attention of the President to the fact that fully thirty of the great organizations in the country interested in plant life have endorsed the project.

✤

What the Towns Are Thinking About.—Judging from the subjects covered in the inquiries received from the towns during the past month, zoning, billboards and war memorials are to the fore. Local organizations not only want to learn about good zoning laws, they want to secure information as to how to secure popular support for their measures. One town wants to know what can be done about the unsightly signs painted on brick walls of business buildings to advertise the wares within. Is there any better method to regulate this than the one used in Springfield, Massachusetts, where the merchants in two blocks were persuaded voluntarily to adopt a small, plain sign of uniform size and type? If such a plan improves the appearance of two blocks, would it not equally improve the entire down-town section of any town?

HARLEAN JAMES.

III. GOVERNMENTAL RESEARCH CONFERENCE NOTES

The San Francisco Bureau of Governmental Research is putting on an extensive financial campaign, in immediate charge of C. O. Dustin. This is the second bureau to attempt to raise funds through a professional campaign organization.

Hume Bacon, formerly with the Institute for Public Service, is now with P. N. Gray & Company, Exporters, 8 Bridge Street, New York City.

The National Institute for Public Administration has been organized to train men and women for public service, and to improve standards of governmental administration. It is a successor of the Training School for Public Service, and continues the technical consulting and research activities of the New York Bureau of Municipal Research, which has been fused with the Institute.

Darrell Smith, formerly with the New York Bureau of Municipal Research, is now with the Institute for Governmental Research at Washington.

W. O. Heffernan, formerly budget commissioner for Ohio, and then with the Institute for Public Service, is now engaged in industrial engineering for the Bankers Trust Company of New York.

The Institute for Public Service has acquired the editorial managership of the *National School Digest,* and has opened extensive offices on Amsterdam Avenue at 115th Street, New York City. In addition to editing an educational magazine, the Institute will maintain a school exhibit and continue its field research activities.

W. A. Averill, formerly with the New York Bureau of Municipal Research, and later with the Educational Department of New York State, has joined the staff of the Institute for Public Service.

Service Citizens of Delaware, Public Library Building, Wilmington, has issued an extensive report on its activities for 1920. Mr. Pierre S. duPont is president, and Dr. Joseph H. O'dell, director.

T. L. Hinckley, formerly on the consulting staff of the American City Bureau, is now secretary of the Chamber of Commerce at Middletown, Conn.

Prof. John A. Fairlie, of the University of Illinois, is on a research assignment for the Institute for Government Research at Washington during the summer.

IV. MISCELLANEOUS

National Council for Social Studies Organized.—Educators in all parts of the country and abroad, and in all strata of school and college work, are deeply concerned about the teaching of economic, political and social organization, and the training of young people in the best that history has to offer. What has long been needed to bring some fruit from this general interest is an organization of those who are demanding that something concrete be done. It is only natural that those most interested in training in what has come to be called "The Social Studies" should be drawn in different directions by their particular interests. University professors of departments of study wish to secure recognition for their subjects in the schools; curriculum makers and school administrators, worried over the crowded courses of study, resist the introduction of new subjects and argue forcefully against the need of such new subjects.

The political scientists demand that government be given separate time and separate teachers; the economists make similar demands. The historians claim that they have a right to at least all the school time they have ever had; and the sociologists believe that their subject is as worthy of recognition in the schools as is history. Geography is neglected almost entirely in our secondary schools, and the geographers, through their national association, are protesting against this condition of neglect. The result has been confusion, heated argument, distrust, and in some cases an indisposition to undertake a co-operative effort. It now seems, however, as if a beginning has been made to bring order out of the chaos and to organize for the schools a course of study which will give to each subject the recognition which disinterested persons believe to be reasonable.

The National Council for the Social Studies, mentioned in a recent number of the REVIEW, has organized with Albert E. McKinley of Philadelphia, president, and Edgar Dowson of Hunter College, New York, secretary-treasurer. The executive office is 671 Park Avenue, New York.

The officers and advisory board represent the committees on education in the schools of the national associations of economists, historians, political scientists, and sociologists; they also represent the National Association of Secondary School Principals and the National Education Association's Commission on the Reorganization of Secondary Education. The permanent organization, which is to follow this temporary one, will doubtless include the organizations of elementary school principals and of professors of education; and the geographers will also be asked to participate. The council will be a federal union of agencies for the purpose of co-operating in the formulation of a course of study, the development of teacher training, and such other undertakings as are necessary to make the Social Studies worthy of the place in the curriculum which they are coming to receive.

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Music Week in Washington.—Washington has had a Music Week which will undoubtedly increase interest and participation in musical programs for many months to come. The week began on Sunday, May 29, when the churches offered special music. Memorial Day gave a solemn but effective setting for the musical program of Monday. On Friday, June 3, a human wheel of children on the Ellipse rendered a serenade to the President and gave a most impressive exhibition of mass singing. Mr. Robert Lawrence, who planned the week and led the mass singing, is a past master. It is to be hoped that the music weeks which he organizes in the different towns will lead to permanent committees on civic music throughout the country.

H. J.

NATIONAL MUNICIPAL REVIEW

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VIEWS AND REVIEWS

"Organized labor favors the city-manager plan and will fight to keep it in Dayton."

Ora Kress, secretary Building Trades Council of Dayton.

⁂

A resolution passed by the recent Pennsylvania legislature empowers the governor to appoint a commission to consider administrative consolidation in the state government.

⁂

After thorough study, a committee of the local Municipal League has recommended the city-manager plan for Seattle.

⁂

The cases reviewed this month in our Judicial Decisions department cover a wide field and are extraordinarily informative.

⁂

Detroit boasts sixty-seven municipal playgrounds. She thus takes rank as the second city in the country in point of playground activity, according to Clarence E. Brewer, recreation commissioner. Chicago is said to lead in this work.

⁂

Plans have been worked out by which representatives of the county supervisors and officials from various municipalities within the county will meet with the Los Angeles city planning commission to act as a regional planning and zoning board for the city and county.

⁂

Petitions seeking the recall of the mayor and commissioners of Knoxville, Tennessee, were thrown out by the election commission on the ground that the charges were made against the commission as a body and not against the individual members. This action was based on a former decision by the state supreme court.

⁂

The Philadelphia city council has declined to approve the mayor's plan for city-wide municipal street cleaning to begin October 1. Philadelphia's new charter authorizes the city to clean its own streets. In the past, and to a large extent at present, this work has been done by private contractors to the great scandal of Philadelphia's good name.

⁂

The Washington *Herald* regrets that citizens of the nation's capital have no vote in their municipal affairs, and suggests a method by which their influence may be felt without the franchise. It is to use the forty citizen's associations, with a membership of nearly 20,000, open to all who care to join, to take a referendum vote of their members to express their will to the commissioners or to the president in the appointment of commissioners. Opinions so expressed would be difficult to ignore.

⁂

Petitions have been filed in Pontiac, Michigan, calling for a general revision of the charter and the appointment of a charter commission to provide the form of government in existence prior to 1911. Dissatisfaction because of the highest tax rate in the history of Pontiac is the occasion for the effort to abandon the city-manager plan. The city commission realizes that taxes are high, and has distributed a card showing that more than thirty-seven cents of the city tax dollar goes for payment of charges on debts incurred before manager government came in.

No canvass has been made, but in the opinion of many qualified to judge the chances that the petition will succeed are not good.

⁂

The new constitution of Louisiana, drafted by a convention, goes into effect without vote by the people. At this distance it is difficult to say what was accomplished. We shall report on it at length in an early issue. According to Governor John M. Parker, four outstanding results were attained. They are provision for a Greater Agricultural College, a good roads system, suffrage revision so as to include females, and a modernized judiciary.

The judiciary provisions were commented on by Herbert Harley, in our last issue. The convention rejected a scheme for a thoroughly modern system presented by the New Orleans Bar Association. A notable accomplishment was the optional county government provision, described in the July Review.

The civic development department of the United States Chamber of Commerce, under Mr. John Ihlder, has compiled and published some exact figures on new building in this country. A form was prepared in co-operation with the federal bureau of labor statistics and sent to 218 selected cities. Acceptable returns were received from 131. The data apply only to the year 1920, no figures being available for former years, and concern new building only. The estimated cost of new buildings, for which permits were issued in these cities last year, is $1,043,192,000. Of this, 36 per cent was for new dwellings. Factories and workshops were second with 16.8 per cent, stores and mercantile buildings third with 13.3 per cent; while office buildings and garages tied for fourth place with 8.2 per cent each. Schools, hospitals and charitable buildings called for 5.4 per cent. Amusement places cost more than churches, hospitals or public buildings.

The population of the cities reporting was 30,000,000 in 1920.

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Politics and State Aid

Governor Sproul of Pennsylvania wants a constitutional convention, but most of the politicians have been afraid of it, and an important wing of his party has been opposing it strenuously. Finally a bill was passed submitting the proposition to the people this month with the hope on the part of many that the voter's apathy would defeat it.

But a decision of the supreme court suddenly altered the situation. State aid to private charities has been a political scandal for many years in Pennsylvania. Opposed time and again as unscientific and wasteful, the system of state aid to charities has displayed unquenchable vigor because of the spoils it affords. Now, after forty-five years, the highest court of the state in a taxpayer's suit declares that appropriations to private charities are unconstitutional, and the only remedy to the panic-stricken politicians is to change the constitution. Overnight they have become advocates of a constitutional convention, which they hope can be trusted to maintain the *status quo* relative to state aid.

One by-product of the system was the decreased independence of members who were expected to bring home the bacon for their local hospitals and institutions. The several hundred private aid bills, although introduced early in the session, were never reported from committee until nearly the close. Fear that the leaders would deal harshly with his appropriations, to the detriment of his popularity back home, exercised a restraining influence on the member who cherished other virtues than regularity.

⁂

The Amateur
vs.
The Expert

Harry N. Howe, prominent engineer of Memphis, was the unanimous choice of the city commission to fill the vacancy in the office of commissioner of streets, bridges and sewers. He is a member of a firm of consulting engineers and has had long experience in construction work. Note how differently he was chosen from the other commissioners who manage the remaining departments. They were elected by the people at large who agreed with their politics and liked them personally. Their peculiar fitness for their administrative jobs was not and could not be generally known. When elected they were probably only novices with a willingness to learn, perhaps. But a vacancy occurs on the commission. There is a big street and sewer improvement plan on foot. Said one commissioner, "It was essential to find a man who had the training, the ability and the inclination to put over the big program." The small commission was able to choose a man on this basis; his capacity as a legislative representative of the people was not the controlling consideration, as in the case of popular election.

Special selection is the only way that men specially adapted to special jobs can be found. The small group can know what the job demands and can study Mr. Howe's or some other man's qualifications for it. But the public cannot be expected to know all this; all they can do is to form an opinion on broad policies. The people are perfectly able to select men on the basis of policy or platform, who in turn can be charged with responsibility to find servants to execute the technical details. The action of the Memphis commission is exactly what takes place under city-manager government. Unfortunately, Memphis cannot apply it to all departments of city administration.

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Next Year's Budget

It is yours to guess at the total figures which will compose next year's budget and the number of deficiency bills which will be brought in before the year is over. For every announcement of millions saved there is a proposal to use that and a little more for some other federal project which has already been curtailed or eliminated. Until we know the *total net cost of current expenditures* for the year 1922–23, *at the end of the year*, we shall not know the whole story, and until we know the whole story we cannot estimate our savings.

It is easy for you or me to walk to work in the morning and hire a taxi home at night. It is easy to deny oneself a trip to Atlantic City when you never had the cash in hand to cover the cost. It is easy to make the old car do and spend the price of a new one in repairs. It is easy, oh so very easy, to save $10 and spend $20 because of the virtuous feeling that one owes oneself something for one's noble self-denial. And if you and I have dual or triple personalities with moods for saving and moods for spending, what is to be said of a government which has over four hundred representatives and ninety-six senators to vote money and ten executive department heads and scores of independent commissions and bureaus to ask for it?

Moreover, until we find some method of *measuring service* we can never know whether we are economizing or sacrificing some needed activity. Unfortunately, even such rough methods of gauging the value of federal administration as we have learned to apply do not register results fully until those results have become cumulative. No one can yet accurately estimate the injustice and maladjustment which have resulted in the ranks of the returning soldiers because of the absence of an efficient federal employment service which might have coöperated with local communities to place in civil, commercial and industrial organizations those who abandoned their personal affairs to defend these United States of America. It may well be that the money saved on this service will in the future be spent many times over in a belated effort to provide substitute measures for adjustment.

These words are not a prediction of dire disaster for the new director of the budget; they are an expression of sympathy for the problems he will have to meet and an appreciation of the fact that the money budget can only be measured in terms of the work-performed budget, and not in comparison with money spent last year or the year before. The reorganization of the federal administration, if accomplished, should provide a machine which *can* be administered efficiently, but it will neither produce nor measure service rendered. It will be within the province of the new budget bureau to strike a balance between the credit column of federal service with the debit column of federal expense.

What with the continuous courage, keen understanding, and consecutive effort required to maintain the balance between service and expenditure the new director of the budget has himself undertaken to perform a service which may well prove to have a value out of all proportion to its cost.

H. J.

IN MEMORY OF CHARLES J. BONAPARTE

The League mourns the loss of an old and valued friend. Charles J. Bonaparte, one of the founders of the National Municipal League and for years actively identified with it as an officer and adviser, passed away on June 28. He was one of the speakers at the Philadelphia Conference for Good City Government in 1894, and was the first chairman of the Executive Committee of the League, serving in that capacity from 1894 to 1903 when he was chosen president to succeed James C. Carter. He filled that office until 1910 when he retired, accepting election as vice-president, in which office he continued until his death.

Mr. Bonaparte typified the highest type of volunteer public service. Clear headed, pure minded, he was devoted to the highest interests of the public. Passion and prejudice played no part in his judgment. He was singularly dispassionate and discriminating. At all times careful, considerate and courageous, he was a sound and helpful adviser. The National Municipal League is deeply indebted to him for his long continued, wise and unselfish service.

Mr. Bonaparte on one occasion defined his political status in this manner: "I am both a Republican and an Independent; the former primarily, and the latter secondarily." Naturally it was his independent characteristics that he most fully and completely manifested in his work for the League.

An ardent believer in the merit system, he appreciated the bigness and complexity of the municipal problem, and he was unremitting in his efforts to stimulate intelligent public interest in them. Indeed, his contribution was more largely inspirational than constructive, for he realized that the most perfect machinery without the right sort of men to run it and the right sort of spirit to guide would be of little value.

An active member of the Baltimore Reform League and of the Maryland Civil Service Reform League, he contributed largely to the development of that sound public sentiment that has made Maryland an independent state and has secured so many substantial, permanent improvements. He never hid behind anyone else, when he had a charge of corruption or inefficiency or maladroitness to make; he did it over his own signature, on one occasion saying: "There—if they are libels I am responsible. Let them sue."

He was a graceful and forceful orator; a trenchant writer; a faithful public servant (as a member of President Roosevelt's cabinet); a devoted friend; a true steward of private wealth, great opportunities and unusual personal gifts.

CLINTON ROGERS WOODRUFF.

THE SEVENTEENTH ANNUAL CONVENTION OF THE AMERICAN CIVIC ASSOCIATION

BY HARLEAN JAMES

Secretary, American Civic Association

THE seventeenth annual convention of the American Civic Association and the twenty-seventh annual meeting of the National Municipal League are scheduled for the week of November 13 in Chicago. The American Civic Association was formed at a conference held in the city of St. Louis, June 9–11, 1904, by a merger of the American Park and Outdoor Art Association and the American League for Civic Improvement. Its first and only president is J. Horace McFarland, who was president of the American League for Civic Improvement. Its first vice-president was Clinton Rogers Woodruff, who was for twenty-five years secretary of the National Municipal League. Until his untimely death William B. Howland served as treasurer and active promoter of the civic association. The first general vice-presidents were George Foster Peabody and Franklin MacVeagh. The fifteen department vice-presidents in their subjects covered an extensive civic field and included some aspects of the social field which had not then been so definitely defined as it has come to be in later years.

The succeeding conventions were held as follows:

October 4–6, 1905	Cleveland, Ohio
October 24–26, 1906	Milwaukee, Wisconsin
November 19–22, 1907	Providence, Rhode Island
November 16–19, 1908	Pittsburgh, Pennsylvania
November 15–18, 1909	Cincinnati, Ohio
December 14–16, 1910	Washington, D. C.
December 13–15, 1911	Washington, D. C.
December 19–21, 1912	Baltimore, Maryland
1913	No convention
December 2–4, 1914	Washington, D. C.
December 28–31, 1915	Washington, D. C.
December 13–15, 1916	Washington, D. C.
October 22–24, 1917	St. Louis, Missouri
1918	No conference
October 29–31, 1919	Philadelphia, Pennsylvania
October 14–16, 1920	Amherst, Massachusetts

It may be observed that the American Civic Association has not held its convention west of the Atlantic seaboard since 1917, and only once have its members met in a western city since 1909. The choice of Chicago for the 1921 convention, therefore, should be a particularly happy one.

In view of the working co-operative arrangement between the National Municipal League and the American Civic Association, it is of more than passing interest to recall that the third, fourth and fifth conventions in 1907, 1908 and 1909 were held jointly with the National Municipal League representing respectively the thirteenth, fourteenth and fifteenth annual meetings of that body. Thus, over a long period of years, there has been a close tie between these two organizations laboring in adjoining vineyards.

CIVIC REVIVAL WEEK IN CHICAGO

It is proposed to make this year's convention a *Civic Revival Week*. November 13 might well be designated *Civic Sunday* in Chicago, as was the first day of the association's convention in St. Louis in 1917. After the neglect of civic affairs, due to the war and its aftermath, the contact of national and local leaders should be extremely helpful in meeting the problems which have accumulated in every community. Chicago has much to offer in the way of demonstration in city planning and in the location and use of parks, playgrounds and public buildings. Chicago shares with the rest of the country the problems of inadequate housing. The city has in its civic organizations powerful agencies for effecting civic improvement. It is these organizations which have extended to the National Municipal League and the American Civic Association the invitation to come to Chicago this year.

The program for the convention will be made up in conference with local civic leaders during September and October. Certainly, however, those who attend the convention may count on a *park day* when national, state and city parks will be discussed. Undoubtedly, there will be a *city-plan and zoning day*, a *housing day* and perhaps a *town day*. Possibly Wednesday, November 16, will be set aside as *co-operation day*, and the joint sessions of the National Municipal League and the American Civic Association will deal with methods of co-operation in local communities, dwelling on the form and machinery of government desirable to bring the best results in civic improvement and stressing the dependence of civic advance on the enlightened expression of the people in a responsive, responsible government.

Now is the time to plan to set aside the week of November 13–18 for participating in the Civic Revival Week in Chicago. You must have something to contribute to the conference, and you should return home with renewed hope and renewed courage to do your share toward putting into actual effect those plans about which your organization has been talking for so long.

A BIG JOB IN NATION PLANNING

BY EUGENIUS H. OUTERBRIDGE

Chairman, The Port of New York Authority

New York and New Jersey have recently signed the port treaty establishing a central authority to plan future development of the nation's largest gateway. :: :: :: :: :: :: :: ::

THE port of New York is unique in containing a greater number of sheltered bays and a greater mileage of shore front than any other port in the world. With New York's lower and upper bays connecting the Hudson and East rivers, Newark Bay with the Passaic and Hackensack rivers, Jamaica and Flushing bays, there is over 800 miles of water front within the port district susceptible of development for the uses of commerce and industry. Taken as a whole it is one of the greatest assets of the nation, and especially of the states of New York and New Jersey within whose confines it lies.

Natural resources such as these would automatically attract industry and commerce. But besides that, New York city has for some generations, and increasingly in the last forty years, been a great magnet drawing to itself from all over the country, and to some extent from abroad, men pre-eminent for ability, enterprise, courage and industry, and under their tireless initiative and executive ability commerce and industry have so developed that more than 50 per cent of the entire foreign commerce of the country has flowed through this port, and more than 10 per cent of the entire manufacturing industry of the country is conducted within the limits of the City of Greater New York.

PORT CONGESTION AND UNDEVELOPMENT

Perhaps because of the very expanse of sheltered waters and of shore front and available hinterland, the same foresight, intelligence and driving force that has been applied to the development of commerce and industry has not been devoted to the development of port facilities, or rather to co-ordinating them in an orderly, scientific and economic manner.

Hence, sections of the port have become so intensively used as to create congestion, delays and unavoidable expense, while many very large sections are still undeveloped and without proper facilities with which to relieve the pressure.

With 75,000,000 tons of freight passing annually into, through and out of the port district by rail; with 45,000-000 tons a year passing in or out of the port on ships; with a steamship entering or leaving the port every twenty minutes of every day in the year, in daylight hours, a mental picture of the business of efficient and prompt freight handling is only possible to those who have had some practical experience with the problem.

But when it has been authoritatively estimated that natural facilities yet remain which when properly developed and co-ordinated would permit of handling economically and with despatch ten times the maximum business heretofore handled at this port, it will be seen that the arguments of those who suggest that business should be diverted to other ports by means of freight rate differentials or other artificial influence fall to the ground without reasonable basis.

As a nation we have been prodigal in the use of our national resources, in many cases to the extent of depletion.

In the port of New York even prodigality could not exhaust its possibilities for generations to come, but lack of foresight, of any comprehensive scientific plan for bringing these great natural facilities by the skilful hand of man into the most economic and fullest usefulness has created the temporary embarrassments and congestion which put an unnecessary burden upon commerce, enhances the cost of doing business and of living and furnishes the plausible arguments used by those interested in the development of other less favored ports for the diversion of trade from its *naturally* most favored channels to others still in the making.

DIVISION OF STATE JURISDICTION AN OBSTACLE

Many causes besides this seemingly inexhaustible supply of room have contributed to the neglect in developing the port of New York. The division of jurisdiction between two states and many bordering municipalities, frequent changes in political administrations and consequent lack of continuity of policy, individualistic and competitive management of transportation agencies, instead of co-operative and consolidated effort, have all played their part in a policy of providing for needs as the expediency of the moment dictated rather than by development based upon a well-considered forward-looking port plan carried out in proper economic sequence.

The rapid transit problem is apparent to every inhabitant who has to travel by public conveyance, and the difference between a 5-cent and a 10-cent fare is an economic reality as well as a political issue with every wage earner.

But the obscurity and intricacies of the freight movements which add to the cost of building and hence of rents, to the cost of food, fuel, clothing and all the necessaries of life are known and realized only by the few engaged in the operations and are difficult to bring home to the individual so as to rouse his comprehension and interest even though the consequent burden of inefficient facilities transcends the 10-cent fare issue to every person by many hundred per cent.

THE PORT TREATY

Probably no more beneficent act has ever been taken in the interests of the people than the recent compact between the states of New York and New Jersey, obliterating the line which has divided the port, creating a single port district and the Port Authority as a continuing body to have jurisdiction over the future development of the port of New York after these two states have adopted the comprehensive physical plan which the Port Authority is to work out in conjunction with the many affiliated agencies of transportation and the municipal and commercial interests embraced in the port district.

If a true comprehension of the possibilities can be developed so as to obtain the co-operation and unity of purpose of all concerned, the port of New York can become not only the pride of the nation, but a service to it and all mankind such as eye hath not seen nor ear heard, nor mind conceived, and only by co-ordination and development as a whole can its many integral parts reach the fullest fruition of which they in turn are capable.

To present the information so as to bring about a general comprehension of the subject, to secure the necessary co-operation of all concerned, to develop the comprehensive plan, to secure its adoption and then to bring about the creation and administration of the facilities is the great work which the Port Authority has been created to do, upon which it has just started, and to which it will devote its undivided and unceasing attention.

NASHVILLE PLAYS POLITICS

UNDER GUISE OF CITY-MANAGER GOVERNMENT, THE OLD GAME CONTINUES

BY IRBY ROLAND HUDSON
Vanderbilt University, Nashville

At the recent meeting of the Tennessee legislature the city of Nashville was granted a new charter that combined certain features of the city-manager plan with the old councilmanic régime. The mayor, who serves as titular head as well as business manager, is to be elected by the council and may be removed for cause by the council at any time. Instead of taking the manager's position out of politics, the central theme of the new charter seems to be to place politics in the heart of the city's government. Certainly the legislating into office of the mayor, who had been a political center around whom the charter fight was staged, and the manner in which he was later suspended from office, would confirm that general conclusion.

UNDER WARD SYSTEM, OPPONENTS OF NEW CHARTER WIN

While naming the mayor for a period of six months, the charter provided for an immediate election of the fifteen councilmen, which was held on March 31. This election turned largely on the question of the support of the new charter, which had encountered severe opposition in its passage through the legislature, because it stood for no definite plan of government, but rather was a mongrel type that satisfied only a small group, and that group was chiefly the followers of the mayor. Two entire tickets were placed in the field: the candidates on one ticket were pledged to carry out the charter as it was drawn up and were cordial in their support of the mayor then in office; the other ticket was pledged to elect a man as mayor who had announced his opposition to the group that had drawn up the charter, and who promised to carry the question of a repeal of the charter to the people at the election of the county's representatives to the next legislature. Only two in favor of the new charter were elected, while thirteen of the new councilmen were definitely lined up in opposition. As the ward system was introduced by the present plan of government, the total vote may not be of much consideration, yet in this the former mayor's candidates, who, however, were pledged to vote independently in electing a mayor in September, received about half as many votes as those who opposed them.

OLD MAYOR SUSPENDED TO MAKE ROOM FOR SUCCESSFUL LEADER

At the first meeting of the new council Mr. Wilson, to whom the majority were pledged, was elected mayor on the completion of Mr. Gupton's term of office in September, the vote of the council being unanimous. At once friction developed between the council in the conception of its duty and Mayor Gupton. At the meeting on May 4 charges of violating certain corrupt practices acts and some of the provisions of the charter were brought against the mayor that caused him to be suspended from office. At the same meeting Mr. Wilson was elected to fill the vacant place until a trial should decide the correctness of the charges cited. The ousted mayor was given twelve days to file answer to these charges, but instead of fighting the case Mr. Gupton resigned on the following day. Just before handing in his resignation he accepted the resignation of the chief of police who had been very active in the councilmanic election in March, as well as in a number of previous elections.

The mayor in handing in his resignation stated that of the seven charges brought against him, six were based on political reasons wholly, and the remaining one was untrue. To what extent this may be a correct diagnosis of the case it is difficult to say. It may be stated definitely, however, that political considerations played some part, and that in the interplay of political forces the former mayor had lost and had nothing to gain by remaining in office or in fighting the case in court, as it could have been protracted until his term of office as established by law had expired.

The new charter makes the mayor-manager a political follower of the council, or else makes the mayor the head of a political group that is to control the affairs of the city. There is no recall of the mayor by popular vote, nor has he any appeal to public support in any other way than by securing the election of councilmen who will favor his measures. The motive largely dominating the authors of the new charter was to foster and perpetuate a group in power. At the first election under the new instrument of government the people by their vote repudiated the charter as drawn up and the suspension and resignation of the mayor, around whom an organization was to be built, were but natural results of the political forces set in motion throughout the entire movement. Under the new mayor little friction has been noted so far and our municipal machinery has worked smoothly, except for an undercurrent of opposition from a "liberal" element who do not favor a strict enforcement of the law.

SALVAGING WASTE IN PITTSBURGH

BY H. MARIE DERMITT

Secretary, Civic Club of Allegheny County

Read how Pittsburgh's charities utilize waste to salvage men.

When we talk of waste we practically set down in our minds something of no value, and our chief object in connection with it is to put it out of sight. That is an excellent object. It tends toward cleanliness and sanitation, and this phase of the waste problem cannot be too greatly stressed. Cellars and convenient places for storing waste paper, old furniture and rubbish of various kinds have resulted in many instances in a fire hazard and health menace to the neighborhood, and have led to the popular belief that clean-up days once a year are civic events that are advocated by the best authorities in this line of work. Now clean-up days once a year may furnish an excellent opportunity for civic enthusiasm and act as a generator for cultivating civic interest in the appearance of one's town, but this kind of civic endeavor is soon going to be relegated to the background. Agencies all over the country are considering the day-to-day, methodical disposal and salvage of waste in a manner which brings an economic return in more than one way.

ANNUAL CLEAN-UP DAY OBSOLETE

Pittsburgh has, through several charitable agencies, taken hold of this in such a manner that their work, together with the rummage sales which have become so wonderfully popular and financially successful, will obviate the necessity of a clean-up day annually. It is only a matter of education and a little more time to work out the details of this lucrative business until the property holders and house holders will be ashamed to permit waste of any kind to litter their premises.

The largest organization that has taken up this work in Pittsburgh is the Association for the Improvement of the Poor. Nine years ago the association established what is known as the Men's Industrial Department, "the main object of which is to give employment to thousands of men who are temporarily out of work and to provide work for men who are not able to do full-time work because of age, crippled condition and lack of training." The solution of the problem of taking care of this group has been worked out and the department is now self-supporting through the collection of waste material, including newspapers, magazines, old furniture, bric-a-brac, clothing, carpets, rugs, shoes, etc. This is worked over and produces enough revenue to be self-supporting. Every dollar earned is put back to maintain the work.

WHAT IS BEING ACCOMPLISHED

The association has purchased ground and erected a building, with necessary equipment, at a cost of $550,000. This building has been provided with all the paraphernalia necessary to repair and renovate old clothes, reblock and repair hats, carpet looms, woodworking machinery and equipment for repairing clocks, bric-a-brac and other material. Fourteen tons of waste paper are brought into the building every day, in addition to quantities of material for the collection of which eight trucks are in constant use. Ten thousand thrift bags, the contents of which are sterilized before sorting, are gathered from homes all over the city, thereby bringing in quantities of clothing which is repaired and sold at very low rates. The Industrial Department store really "blesseth him that gives and him that takes." A hotel in part of the building provides lodging and meals for hundreds of men. From March, 1920, to March, 1921, there was received a total income of $21,514.45 as against a total expense of $17,562.09. The Men's Industrial Department alone during this same period approximated a total income of $62,000. Of these receipts the sale of paper stock brought in approximately $41,000. This surplus helps to tide over such periods as are now being experienced, for magazine paper stock has fallen from $60 a ton to below $20 a ton today; other kinds of paper and rags have fallen proportionately.

Work is regularly given to sixty men a day who wander in from among the city's unemployed, travelers or stranded men. Every kind of talent and energy of which a man is capable is utilized, and the man in return is made self-respecting and an asset instead of a burden and a financial liability to the city.

Located in the heart of the "Strip District," Pittsburgh's Good Will Industries, established in 1918 by the Home Mission Board of the Methodist Episcopal Church, already has over 10,000 people who put their waste material in the good will bags which are collected regularly. This institution is as yet too young to have developed all of the accessories that it expects to have in the future. Its object is to provide work for the aged, handicapped, physically frail and inefficient. The work provided consists of the repairing and refinishing for a second round of service materials and articles which we ordinarily think of as "waste."

The Salvation Army Industrial Department, with headquarters on the North Side, has always had two sources of supply, human and material waste, and these together with surplus labor form a unity of production from a trinity of waste, that avoids a charge upon the city in more ways than one.

Their workrooms and dormitory tell the story of the times about as well as any market. In fact, both men and markets meet in this kind of work.

There are great seasonal variations in this industrial work. It is to be noted that when few men are unemployed and maximum production prevails, waste commands good prices. On the other hand, when low prices prevail it means greater need for salvage of human waste, and the revenue that can be counted upon to carry the burden of expense is disappointingly small.

An average of four tons of waste daily, besides anything from a flatiron to a piano, find their way into the six wagons that travel into the suburbs and city districts. With the market at bedrock this intake keeps things going, but the value of the effort made to find something for the human derelicts to do cannot be reckoned in dollars and cents. That this division does carry itself, is indicated in the report of the year just ended showing receipts of $18,823.60 and disbursements of $17,246.63, with $3,000 stock in hand.

One of the oldest charities in the country, the St. Vincent De Paul Society, started in a falling market four months ago in Pittsburgh, and with but one wagon is meeting the necessary expenses so far. In one of the crowded sections of the "Hill District" a store with about 3,000 square feet of space for sorting and reclaiming waste has been secured and regular employment given to four men. As yet the work has not reached the stage of provision for regular contributors. The publicity and supply comes through announcements in the churches.

CITY ALSO IN THE BUSINESS

In addition to this philanthropic effort it is interesting to note that the city pays, by yearly contract, $9.22 a ton for the collection of rubbish and waste. Approximately 100 wagons collect on an average of 225 tons a day. This, of course, does not include garbage. Most anyone in Pittsburgh will agree that there is still an opportunity for expansion in this line of business. There are still a few hundred tons a day to be reclaimed and made an asset in one form or another for the city. It all resolves itself into the necessity for an industrial campaign that should be stressed through the press, the churches and civic organizations until the public learns that what we call waste is valuable; that it means the reclamation of human derelicts, the recovery of materials that have not exhausted their usefulness and the promoting of cleanliness and order in our homes and thoroughfares.

PEARLS AMONG OUR CLIPPINGS

BY RICHARD S. CHILDS

Wherein you will be dismayed to learn that the Kaiser, George III, Herod and college graduates are assembled as arguments against our Model Charter. :: :: :: :: :: :: :: ::

It is a pleasure to be able to report to the members of the National Municipal League that the League in recent years has not only expanded its service, multiplied its output, paid off its debts and added a thousand members, but has now happily attained the importance of being viewed with alarm! We make editors and orators purple with rage! We get lied about!

This new and practical importance is an incident to our city-manager campaign service. We have our Model City-Manager Charter and the book that explains and defends its details, our popular pocket-size city-manager pamphlet (which local campaigners for the adoption of this plan of government buy at the rate of 10,000 a month for local distribution), our ready-made newspaper material, our technical cross-index of charter facts, our travelling campaigner, Mr. Millard, and our charter draftsman and general expert adviser, Dr. A. R. Hatton, our list of available volunteer speakers, etc. Accordingly most of the campaigns (a new one, on the average, bobs up every week) are fought with our material, the city-manager proponents enter the fray abundantly armed with up-to-date facts and correct arguments,—and the inevitable opposition is inconvenienced. When the opposition gets real peevish, it says things like this about us:

> The paramount question for our citizens to decide as regards the city-manager plan is whether they wish to be in the hands of the politicians whom they may name at the primaries under the present charter and who only handle such money as is voted upon, or in the hands of a national financial corporation such as the National Municipal League, which evidently plans to manipulate the funds of our municipalities in much the same way as is done in the bond issues of big corporations when floated by the banks and banking houses of the United States.

That comes from New Haven. Here is one from Dayton: W. S. Silvey, a manufacturer in Dayton who has organized a couple of paper associations called the Gas Consumers League and the Taxpayers Protective Association to attack the manager plan, announces:

> The National Municipal League is sending representatives around the country to foist city-manager plans on cities. That's because they get 15 per cent of the manager's salary the first year.

ALL DEMAGOGUES AREN'T DEAD YET

The New Haven *Union*, however, thinks the money flows the other way, saying the people would like to know

> why this charter promoting is directed and financed by gentlemen who maintain headquarters at 261 Broadway, New York? Why do the 261 Broadway promotors carry city managers employed by cities on their own payroll, adding several thousand dollars to the salary paid by the municipality? Why are the city managers thus called upon to serve two masters—also why is this 261 Broadway master so anxious to name and partly pay the experts who come to direct the business which it is assumed that our own people do not know enough to manage themselves?

A Canton advertisement by the Anti-charter Committee describes us less specifically, but in a fashion that exhibits ingenuity and imagination:

> The Great Franchise owners and other great Business Interests of the same class, find this a very convenient way to hold and preserve their powers to rob the people. Hence, they are agitating and using various forms of insidious propaganda for the purpose of revolutionizing the Municipal Governments of our Country in order that they can retain their powers to rob the people. They propose the right of Recall of officers, the Initiative and Referendum and even proportional representation in order to befog the minds and deceive the people and keep them from knowing the real purpose of the Charter, which is to centralize the powers of the Municipal Government in the hands of a few of their chosen Representatives. These same people who are back of this Charter and are its chief advocates, have heretofore denounced those who advocated the Recall, the Initiative and Referendum and proportional representation as agitators and enemies of our Government. Why have they so suddenly adopted and become the advocates of these measures if not for a sinister purpose?

An Evansville, Indiana, orator was more insinuating:

> Who is behind the New York bureau which is attempting to gain control of every municipality in this country?

We get a little wistful when they speak of our "vast funds," and Mr. Otis, who does a thankless job on a financial shoestring as secretary of the City Managers' Association, must have been positively pained by a certain Indiana reference to his "overflowing treasury!"

EMBARRASSING CONTRADICTIONS

A friend in Canton lists the following points that were urged against the charter which was, by the way, our Model Charter in very complete form, adapted by Dr. Hatton: The charter permitted occupational taxes which could be made exorbitant and, the Socialists alleged, it could be used to exclude from the city any man bearing a union card. Arthur Rinto, an ex-councilman of Ashtabula under proportional representation, was brought to Canton and claimed he once supported this electoral device, but now opposed it because it allowed minorities to be represented and was therefore un-American. At the end of his address he read a letter from a manufacturer of Coshocton, Ohio, who stated the manager charter was defeated there because it was only desired by Socialists—a point that caused some confusion because the next speaker on the anti-charter program at this meeting was a Socialist leader from Dayton.

THE KAISER AND GEORGE III

In New Haven, the League of Women Voters, everywhere a most helpful ally in these fights, listed these curios collected from the opposition fib-factory.

> Is it possible that under the name of "politics" a group of people are permitted to deliberately stir up class consciousness and antagonism? We refer to the "silk stocking" argument of those opposed to the new charter.
>
> Also that they deliberately attempt to set race against race, and religious sect against religious sect? It is known among other things that colored men and women have been told that the city manager is to be a southerner, and that they should therefore fight it, and they have been sent to carry this message from house to house.
>
> Then there is the attempt to collect on the anti-German feeling both through the argument that the plan originated there and that the Kaiser or the Crown Prince would probably be chosen as the city manager.

This last point is perhaps the commonest one we meet.

In Fort Dodge, a committee for democratic government distributed cards that expressed the idea thus: "Do you want a one-man Government?

The Boys went to Europe to fight against it. Shall we now establish it here in Fort Dodge?"

Of course, the possibility of an out-of-town manager shocks politicians, but the point is used so little that one suspects that it is a hot poker. The Canton *Guardians of Liberty*, under the heading "*Autocracy* vs. *Constitution*," shuddered out the words:

> These appointees of the council and manager may be imported from Cuba or Jamaica. This brands and stigmatizes the voters of Canton as being incompetent and unfit to exercise the right of franchise.

An Evansville, Indiana, patriot described the manager as a "foreign nabob." "George III was a city manager once," he said, "and we revolted." Another in the same town enlarged on this tidbit saying

> This plan is as old as history. Herod was city manager in Bible times. Nero was city manager in Rome. Robespierre was city manager in Paris during the reign of terror. Trotsky is city manager in Moscow to-day and they want to push off on us one Gaylord Cummin.

The same perfumed genius thus described how the plan came to town:

> The city-manager plan is a political nightmare that was kicked out of Kalamazoo, Hot Springs and half dozen other cities. It was picked up by a stray cat from Republican headquarters, A. V. Burch, and hid in the sewer under the Evansville Press, and there it remained until the stench spread all over Indiana.

Divine wrath is invoked upon our cause by one Clell Maple of Muncie who writes the *Press:*

> I am one who believes that the federal form of government was instilled into our forefathers when they landed the Mayflower at Plymouth Rock by the God of Heaven, and from that day He meant for it to be perpetual.

But the most awful prediction of all is from New Haven, where in the nick of time it was discovered that:

> Under the present form of government promotions in the fire and police departments are made from the men already in the service, but if the city-manager plan is adopted anyone can take the examinations for any position in either department, and may be appointed if he attains a high enough rating. *College graduates* may be found taking the examinations for sergeancy or captaincies in the police department if the city-manager plan is adopted.

Horrors!

TEXAS' SACRED HOMESTEAD LAW

HOW IT HOG-TIES MUNICIPAL DEVELOPMENT

BY TOM FINTY, JR.

Editor, The Journal, Dallas, Texas

This homestead law, dating back to the old Republic of Texas, should have a prominent place in some historical museum. :: :: ::

In its provisions relating to cities, the present constitution of Texas is worse than antiquated. It bristles with limitations that hog-tie the cities of to-day. At the time this constitution was written, 1875, Galveston was the largest city in the state, with fewer than 15,000 inhabitants; San Antonio was a little smaller, Houston still smaller, and Dallas was too small to be separately enumerated. Plainly, the limitations on cities written in 1875 do not fit to-day. They are worse than antiquated, because there were no such limitations in the constitutions of Texas anterior to 1875. Indeed, in these earlier constitutions there is no reference whatever to cities, except for the declaration that the city of Austin shall be the seat of government.

The limitations were written because of fears. Throughout the period of carpetbag government there had been a riot of extravagance and waste. The framers of the constitution of 1875 were fearful that the carpetbaggers might again obtain control. Against that contingency they wrote many limitations. Their idea was to hog-tie the carpetbaggers if they resumed control. The effect has been to hog-tie the people in many ways, especially in the development and operation of cities. The provisions of the constitution that relate to cities have undergone little change in the forty-six years since they were written. None of the changes has been helpful to the larger cities.

HOME RULE MUCH RESTRICTED

In 1912 the home rule amendment was adopted. It is home rule, however, to limitations which the legislature may desire to impose. You will observe that none of the strings binding the major cities was loosed. They are still hampered both by constitutional and statutory limitations written in a time of stress and fear.

For example, the constitution limits the rate of taxation in cities of 5,000 or more inhabitants to $2.50 on the $100 of assessed valuation. There has been no change in this provision, notwithstanding a raise of 500 per cent made last year in the maximum rate applicable to smaller cities. We are close to the $2.50 limit in Dallas, and in consequence our municipal development is hampered. City officials talk of obviating the difficulty by raising assessments, a thing that is fraught with danger of producing great inequality. What is needed is to raise this ancient limit or to abolish it altogether. Please bear in mind that it was written at a time when municipal needs were small and when the people had no power to check their officers at the ballot box. There is no longer a need for this lid, nor is there merit in a low tax rate when vital needs are unsupplied.

THE "SACRED" HOMESTEAD LAW

The most serious and antiquated restriction is the celebrated homestead exemption provision of the constitution, often called the "sacred homestead law." It is not sacred. Conspicuous among its many faults is the hampering effect it has on our cities.

The government of the Republic of Texas was the first government in the world to provide for a homestead exemption. Nearly every other state and country in the world copied that law in substance. Every state and country in this world that has a homestead exemption law, in substance has the provision that was written by the congress of the Republic of Texas. There is one exception. It is Texas.

This law, enacted by the Texas congress, simply declared that a homestead consisting of fifty acres of land or a town lot, with improvements not exceeding $500 in value, should be exempt from forced sale. It left the owners of the homestead free to waive the exemption and to pledge their homestead as security for debt, and this is the rule to-day in every state and country throughout the world except Texas.

Subsequently, the quantum of the homestead exemption in Texas was enlarged by successive acts, but always the owners were left free to waive the exemption, until 1875 when there was written into the constitution a declaration that the homestead should never be subject to forced sale except to pay the purchase price thereof, or for improvements thereon, or for taxes thereon. This invalidated all other liens, voluntary or involuntary.

In the early '90s the cities of Texas were just beginning to make real street improvements. They assessed a part of the cost against abutting property, upon the theory that such assessments were taxes, as was then and is yet the case everywhere else in the civilized world.

Things went along nicely until the city of Beaumont endeavored to enforce a lien for a sidewalk against the property of a negro woman. In 1895 the supreme court of Texas decided in her favor, holding that such assessment was not a tax, and therefore could not be enforced against a homestead (*Higgins* vs. *Bordages*, 88 Tex. 458, 31 S. W. 52). *This decision killed very nearly all effort at street improvement for years.* Occasionally, a street was paved wholly out of public funds.

A SHOO-FLY AROUND THE WRECK

At length, one of the paving corporations built a shoo-fly around the wreck. It took the view that a street improvement might be considered an improvement on the abutting property, and that a lien given by the owners of a homestead to secure the payment for such improvement might be valid. Accordingly, in the last fifteen years street-paving operations have gone forward on that basis.

It is an unsatisfactory and unduly expensive plan. There is yet some doubt as to the validity of these liens. Prices must be loaded against the contingency. The expenses of promotion are great. It is necessary to send high-priced men around to induce all the property owners to consent to paving the streets, and then to get each of these owners to execute a mortgage. The price must be loaded to cover this expense. Still worse is the fact that many homestead owners will not sign up. In consequence, we have skips in the pavements, or the non-signers ride free at the expense of other property owners, or at the expense of the city government. Upon the whole, the process of getting streets paved is slow and painful, and the cost of the work is much higher than in states that are not handicapped.

Following this decision of the supreme court, efforts were made to get the legislature to submit an amendment to the homestead provision of the constitution, so as to declare that an assessment for street improvements would constitute a valid lien. But the legislature refused to "tamper with the sacred homestead law." In 1907 the Hon. Thomas B. Love conceived the idea of reaching the end in view without touching the homestead law. He got the legislature to submit an amendment to the tax article of the constitution declaring in effect that an assessment for street improvement is a tax. This amendment was rejected at an election, because the people of the cities didn't go to the trouble of selling the idea to the farmers.

Subsequently there has been much talk of resubmitting this amendment, but there has been neglect to present the proposal to the legislature at an appropriate time. I believe that an amendment ought to be submitted to add an entirely new section to the constitution authorizing special assessments against property benefited by public improvements.

If this amendment shall be adopted, then when a street needs to be paved, the city government can proceed at once to order the work done, and the work will be done. Every city ought to provide a revolving street improvement fund and pay the contractors spot cash for every job. The city ought to assess the entire cost against the property owners, and, when they have paid, it should put the money back in the revolving fund. Under such a plan as this, we would get pavements laid at the lowest possible cost, and our dream of having completely paved cities would be realized; the cities of Texas would be taken out of the mud.

COUNTY GOVERNMENT IN NORTH CAROLINA

BY E. C. BRANSON

University of North Carolina

North Carolina is famous for its pioneer work in the improvement of country life and government, but the county is still a big problem. And it's the same elsewhere. :: :: :: :: ::

COUNTY government is a big affair in the United States. The year before the World War began it amounted to $385,000,000, or about a third as much as the total expenses of the federal government.

And yet the average citizen knows little or nothing about county finances, about the tax list and the amazing inequities and delinquencies it discloses everywhere; about what county revenues are spent for, and whether they are spent wisely or unwisely, effectively or wastefully.

The annual county balance sheets required by law and given to the public in the county papers year by year in North Carolina are commonly unbusinesslike and meaningless. Frequently, the county financial exhibits are not published at all, as in some twenty counties of the state in 1916.

ANNUAL BALANCE SHEETS

Nobody knows how the county stands—not even the county commissioners, in many instances. Usually there is no exhibit under classified headings, and so nobody can tell exactly how much is spent for this or that purpose—say on paupers, the total number or the per capita cost; or on roads, the miles built, the average cost per mile of the different kinds of roads, the per capita daily cost of convicts, work animals and the like, and the share of the various townships in the expenditure for roads and bridges during the year.

The newspaper reports of accounts audited by the commissioners from time to time are full of typographical errors. Besides, they are a meaningless jumble of dates, names, and amounts that defy classification. We know, because for six years we have been trying to ascertain from these data how the tax moneys of one county are applied to the various departments of county welfare.

And, by the way, during these six years the commissioners of this county have given to the taxpayers no complete and detailed statement of county finances.

In another county only one annual county exhibit has been given to the public in twenty years. In other counties the taxpayers have had to get special audits by applying to the courts. And so on and on.

UNDIRECTED DEMOCRACY

North Carolina has no manual of instruction for county officers, as in a half dozen other states; no standardized forms of statement to indicate how county reports should be prepared and what they should contain; no uniformity in accounting, and no state-wide audit system, as in Indiana and Ohio, and less effectively in twenty other states.

Government of the people, by the people, for the people in the counties of the United States is now a half-billion-dollar affair—in North Carolina something like an eight-million-dollar matter, and it needs intelligent oversight and direction in order to avoid huge waste.

HONEST AND INEFFICIENT

Our county officers are good men and true. As a rule they are honest beyond all question; but are they also trained men of affairs, competent to manage the biggest single business in most of the counties of the country at large?

Wherever the business end of county affairs has come under strict review and pitiless publicity, amazing inefficiencies are disclosed. For instance, Alameda County, California, saved $810,000 in one department in four years by a searching investigation of county business. In Indiana, since 1909, county officers have returned to the county treasuries the greater part of $1,600,000 improperly paid them.

In Lee County, North Carolina, says the Sanford *Express*, the sheriffs from 1912 to 1916 received nearly $1,600 more than the law allowed for the collection of taxes—doubtless quite innocently. Orange County, for a half year or so, supported two sheriffs—one on salary account and the other on a fee basis as tax collector. In Brunswick, the county farm in 1915 supported the county home and produced a small balance for the county treasurer. In 1914 the average acreage of the county homes in North Carolina was 150 acres, but an average of only 40 acres was in use, and the average net cost to the counties was around a thousand dollars each—some $95,000 all told.

COMMON COUNTY EXHIBITS

The law in North Carolina calls for an exhibit of county finances in every county each year. In eighty counties last year these exhibits were given to the public in the county papers, in a few instances in pamphlet form.

Frequently, thenews papers carried these statements piecemeal. Instead of giving the entire exhibit in one issue of the paper, a half dozen issues or so carried the story of county finances. To get the whole report it was necessary to clip from week to week, file away carefully, and finally to assemble all parts for study—a tax upon attention that the average citizen is not equal to. That kind of thing makes the most alert taxpayer throw up his hands and quit. It is a capital way of befuddling the public mind. Commonly the typesetting and proof reading, or lack of proof reading, sprinkles the columns so thick with all sorts of errors as to make the whole thing useless for any purpose whatsoever.

In fewer than a dozen counties was there any proper assembling of county assets, county indebtedness, county receipts, and county expenditures for the various purposes of public welfare. The report of the county superintendent of schools is the only exhibit that approaches the necessary form, and sometimes the report on roads and bridges. Otherwise, the exhibit is usually unbusinesslike, and it passes understanding.

No wonder a country editor was moved to say the other day, " The annual county statement in my county is so absurd that I always feel like I'm robbing the county when I render a bill for printing it." But the money of the taxpayers will be wasted in this way for many years to come unless intelligent citizenship demands a businesslike annual statement of county finances.

A WORTH-WHILE EXHIBIT

We happen to have at hand a hundred copies or so of what strikes us as being a really worth-while kind of Financial Exhibit by a board of county commissioners. It is in booklet form, 3½ by 6 inches, and it is mailed out yearly to every taxpayer in the county. The reader can stick it in his coat pocket and chew on it at his leisure in any sort of odd moment.

It is so compact and simple that a wayfaring man though a fool can read it as he runs and get some sense out of it about the money affairs of his county.

He can see the receipts in detail and in toto. Under proper headings he finds just how much was spent for various purposes, to whom money was paid and what for down to the last cent—the total expenses of courts, juries, paupers, care and feed of prisoners, bridges, road building and repairs by townships, equipments and materials, interest, treasurer's commissions and so on and on.

It shows the miles of highway built, the average cost per mile, and the per capita daily cost of work-animals, convict labor, and hired labor. It shows at a glance what the bonded and floating indebtedness of the county is, and what the various expenditures have been, all under classified headings.

UNIFORM COUNTY ACCOUNTING

In an exhibit of this sort the taxpayer has a chance to see where his county stands in its finances. And since the same forms of accounting are used year by year, he knows whether the commissioners are doing better or worse than former commissioners.

It is easy to see that if every county in a state were using the same form of annual exhibit, this or some other, the taxpayers would soon begin to know what counties were using public money to the best advantage, and what counties were wasting public funds.

As it is, there is no basis for comparison. In one county convicts engaged in road work cost $1.13 a day, in another 95 cents, in another $1.73. But we just stumble on these differences here and there; no published state report enables us to compare any county with every other in the details of county expense.

County bookkeeping ought to be uniform, and then the people might know in every county whether or not their commissioners were getting results or getting left.

But in North Carolina at present nobody is in any position to say whether or not the people are getting proper results from the million dollars a year the counties are spending on roads, or from the expenditures for any other county purpose.

We will send this little county booklet to anybody that wants it. Drop us a card. It is worth looking at closely.

LACK OF UNITY AND HEADSHIP

County government in North Carolina, such as it is, demonstrates the consequences of the lack of unity and responsible headship in county affairs.

The various county officials are elected by the same constituencies in each county. They stand upon a parity; each official, therefore, feels quite independent of all the other county officers; each department is separate and distinct; each conducts its business according to immemorial custom, quite regardless of law; each keeps a cash book account or not, just as it pleases. As a consequence, there is no county government in North Carolina that coheres as in an organic whole. As a matter of fact, the most apparent thing is incoherency and lack of unity.

The state, properly enough, defines county officerships, rights, duties, privileges, and so on; but the state exercises no supervision over county affairs, except over state taxes collected and transmitted by county authorities to the state treasury. The result is a minimum of state oversight in county affairs. We have, therefore, confusion worse confounded in county matters in North Carolina, which being translated means confounded confusion.

We are never likely to have unified county government unless we can have responsible headship in county affairs. A city has a mayor, but no county in North Carolina has any official to serve the county as a mayor serves a city. In some way county government must be unified under directive executive headship—under the county commissioners acting through a chairman as the designated head of county affairs, or under the county-manager plan, which works in city government and doubtless can be made to work in county government.

CHICAGO POLITICS—PRESENT AND FUTURE

BY VICTOR S. YARROS

Hull House, Chicago

Chicago is making political history these days. Wherein lies the strength of the machine and the weakness of the opposition? Read the article and find out. :: :: :: :: :: :: :: ::

A FEW short months ago the surrender of Chicago's city council and electorate to the Thompson-Lundin machine seemed complete. Council-government had ceased to exist. Outside opposition to the machine had been reduced to impotence. Apparently neither the conservative business elements which hated the machine for its waste and demagoguery, nor the sincere and progressive groups which hated it for its dishonesty, hypocrisy and greed, was able to make much headway against it. The popularity of the mayor, the nominal head of the machine, was extraordinary. It was privately said by experienced observers that Thompson could not possibly be beaten in the primaries of his own party, and that if he should care to run for a third term in 1923 he would have every reason to expect an easy victory. A competent local student of civic affairs wrote at that time in a scientific review that "anything Mayor Thompson really wants, he is extremely likely to get."

THE MACHINE'S RECENT REVERSE

But since June 6 the Chicago political and civic situation has changed considerably. The mayor and his machine have been defeated twice, and defeated rather badly. Many are confidently saying, "It's the beginning of the end of Thompsonism." This opinion is rather superficial, yet it is significant. The machine is no longer all-powerful. The popularity of its head is on the wane. In the city council new accents are heard—accents of independence and fresh courage. There is a perceptible tendency to revive council-government, as contemplated by the law, and form a non-partisan anti-machine bloc.

What has happened and what has brought about the somewhat improved situation? On June 6, the voters of Chicago elected a coalition or non-partisan judicial ticket and defeated the entire Thompson slate, which called itself Republican. That election amounted to a little civic revolt. The Thompson machine had defied public sentiment, had refused nominations to able and competent sitting judges whom it had found a trifle too independent and too straightforward to suit its purposes, and had nominated a factional ticket that was composed mostly of machine cogs, tools, apprentices and nonentities, a ticket so absurd as to cause the community, and especially the local bar associations and civic bodies, to gasp and stare in amazement. Its impudence was in truth colossal. The issue raised by the machine was so plain that misrepresentation, falsehood and cant—its stocks in trade—made no impression. "Save the courts" became the slogan of the anti-machine Republicans, of the Democrats and the independents.

Election day, despite fraud and trickery by agents of the machine, registered a verdict that stunned it. It had overreached itself. It had attempted to annex the judiciary and had been repulsed. Its few strong candidates shared the fate of their obscure and preposterous associates on the egregious ticket.

THE LEGISLATURE BALKS

The state legislature was in session just then, and engaged in studying several bills sponsored and wanted by the Thompson-Lundin machine, particularly the so-called Thompson People's Ownership Five-Cent Fare Traction bill. The result of the Chicago judicial contest and election made itself felt instantly at the state capitol. The machine's pet bills were re-examined and discussed with some candor and intelligence. The "downstate" members, hostile in principle to municipal ownership, and not greatly enamored either of the referendum or of home rule, first emasculated the traction bill and then killed it. And they did this in spite of the governor's pleas and protests in behalf of the measure, and in spite of patronage deals and bargains so effectively used by spoilsmen.

However, the fight is by no means over. The machine has not capitulated or disarmed. It has lost two battles, but not the campaign. It is necessary to take stock and soberly consider the relative positions of the machine and its foes. What are the present chances of the machine? What armaments and ammunition has it at its disposal? Can it recover its popularity because of the questions it is exploiting and the alluring promises it has made and continues to make?

MACHINE'S PLATFORM HAS POPULAR APPEAL

There is little difference of opinion among upright and forward-looking Chicagoans as to the main sources of the machine's prestige and strength during the last three years. The cohesive power of spoils and plunder has counted for something, but not for much. Mayor Thompson and his satellites, as well as the invisible directors of the city hall machine, have espoused and fought for these three important, "simple," and popular reforms:

1. Municipal ownership and operation, at the earliest opportunity, of Chicago's street car lines.
2. Fair and reasonable rates or charges for the services performed by those public utilities that cannot be "municipalized" in the near future, if at all, owing to perpetual franchises, financial difficulties, or other obstacles.
3. Strict enforcement, against "rich" tax-dodgers, of the revenue and tax laws of Illinois, with such revision of the statutes as shall effectually punish, preferably by imprisonment in the county jail, those who refuse or fail to file accurate and complete tax schedules.

It is wonderfully easy for the more adroit demagogues of the machine to represent every one of its detractors and foes as a tool of the crooked public utility corporation and an apologist for wealthy and unregenerate tax-dodgers. What, it is asked with an air of innocence, is there in the Thompson platform to which any decent citizen can rationally take exception, and how can there be any honest opposition to that "simple" platform?

NO CLEAR-CUT OPPOSITION

The unfortunate feature of the Chicago situation is the lack of a clear, definite alignment in respect of the issues raised by the mayor and his more astute supporters.

On the question of municipalization of street railroads, for example, opinions diverge widely among the opponents of the machine. Some of them are, and have been for years, earnest advocates of public ownership of public utilities. Others believe in some form of "trustee management" and "service at cost." Still others believe in a modified "Plumb plan" applied to local utilities. Finally, the generality of business and professional men adhere to "controlled private ownership and operation." The Chicago electorate has voted for municipal acquisition and operation of the street car system and will vote again to the same effect at the first opportunity. If Thompson really favors public ownership and intends to fight for it, and not merely to manufacture political ammunition and shift responsibility for secretly desired failure on the courts, or the state legislature, or both, it is morally certain that he will win; at any rate, so far as the principle is concerned. Whether his particular traction scheme is sound and can be financed, is another question, of course, that need not be discussed here.

With reference to the rates and charges of the utility companies, no theoretical issue is presented. Who does *not* favor fair and reasonable rates? The question in a particular case is whether given, or proposed, rates *are* reasonable. How are questions of that kind to be determined? Mayor Thompson professes to believe in "home rule"—that is, in local instead of state regulation and control of utilities. But what sort of regulation would the Thompson machine, or any machine fashioned after its image, actually provide? Would it be scientific, or "political"? Would rates and charges be fixed in the light of honest investigations, or would they be fixed arbitrarily, to carry elections, only to strike snags in the courts? Would machine regulation give the public reasonable rates, or would it give the public costly lawsuits, injunctions, receiverships?

Finally, as regards tax-dodging. The Thompson discovery of tax-dodging is Pickwickian. Illinois adheres to the antiquated and unenforceable general property tax. Intangible personalty, naturally, escapes taxation wherever successful evasion is possible. Enlightened men have for years, or even decades, advocated constitutional amendments permitting proper classification of property for taxation, varying rates, wise exemptions and even complete modern substitutes—like the income tax—for the general property tax. Thompson and his followers either do not understand the tax problem, or do not care to deal fairly with it. Their remedy for tax-dodging is "teeth in the taxation and assessment laws," or "sending rich tax-dodgers to jail." This talk is absurd and puerile. No one fit to have an opinion on the subject takes it seriously. But—it serves the machine's political purposes. Denunciations of *rich* tax-dodgers sound well. You can inflame miscellaneous audiences by them, especially if you are very careful to suppress the notorious fact that tax-dodging is not a monopoly of the rich. In Illinois the average "poor" person also dodges taxes on intangible personalty. Savings banks depositors are not rich, as a rule, yet they fail to schedule their deposits. If they were to schedule such deposits, the whole return on them (3 per cent) would be taken by the state in taxes. This is confiscation, not taxation, and no one will submit to confiscation. Thompson prefers appeals to prejudice and suspicion to rational discussion of the real revenue problem of Illinois, for intelligent, high-minded discussion of taxation does not tend to strengthen spoils machines or enhance the popularity of ambitious bosses. However, he will get nowhere in his tax crusade.

Not so with municipal ownership of the surface street railroads or with home rule in public utility regulation.

If he continues to fight for these things, no amount of merely reactionary and conservative opposition will defeat him. It behooves the genuinely progressive forces of Chicago to propose and push sound, constructive alternatives to his policies. If Chicago is not allowed to get municipal ownership of street railroads, or home rule in utilities regulation, in the "right way," she will get these desiderata in the wrong way—that is, in a way that spells waste, spoils, profligate finance, increased taxation. Tens of thousands of Chicago voters want progressive legislation, but cannot distinguish the real from the spurious article. These will indorse the Thompson plans, crude and dangerous as they may be, in the belief that there is no meritorious alternative to them.

REFORMERS MUST TOLERATE EACH OTHER

Yet there is a way to beat and destroy the Thompson machine. That way requires a little civic courage and a little intellectual honesty and foresight. It requires some sacrifice of pride and egotism.

In the first place, the heterogeneous opposition to the machine must agree to differ tolerantly on certain contentious and burning questions—such as municipal ownership, the systematic use of the referendum, and the like. In the second place, the conservative elements of the opposition must face the fact that a purely negative and obstructive policy with regard to local transportation will not answer the requirements of the situation. A sound, constructive alternative to municipalization of the traction lines will have to be worked out and proposed to the public. In the third place, effective steps must be taken to unite the anti-machine forces on a good-government platform of solid and substantial proportions.

There are such questions as simple honesty in administration, earnest regard for the interest of taxpayers, strict application of the merit principle, fit appointments to office, impartial enforcement of law. There are such questions as child welfare, police integrity, efficient administration of institutions ministering to the needs of the poor and the sick, rigorous and fearless inspection of industries and establishments that require such inspection, suppression of commercialized vice.

In short, there is the general issue of good government and efficient and economical administration. Thompsonism is subversive of good government in a hundred different ways; and the friends of good government, if they are in earnest, should be able to make common cause and successfully appeal to the public on the strength of it.

But the issue of good government must be *dramatized*, translated into concrete, moving human terms. Too often the phrase "good government" conveys no significant meaning to organized labor, or to the generality of the citizenry. To some it means glorified bookkeeping, or the saving of trivial sums by honest but unimaginative and unprogressive officials who neither know how, nor care to, save enormous sums to the public—sums appropriated by grafters and extortionists of the more respectable sort.

A PROGRESSIVE PROGRAM

Chicago has had for some time a fairly attractive and elaborate reform program, but only a few civic organizations have appreciated its significance or patiently worked for it in city and state. This program comprises: non-partisan nomination and election of the mayor; shortening of the ballot; the adoption of the Australian ballot in its integrity; the establishment of an efficiency division in the civil service system; scientific budget making; home rule in various directions, including public utilities regulation; thoroughgoing revision of the revenue laws of the state; modernization of the tax system; simplification and rationalization of judicial procedure and practice.

An excellent program, assuredly, as far as it goes. The intelligent voters of Chicago would certainly favor it were it properly presented to them. They have, despite machine opposition, voted for several desirable changes in the last few years. They voted for non-partisan nomination and election of aldermen. They voted for a smaller and more responsible city council. They voted for city planning and for costly improvements designed to make Chicago more attractive and healthy. There is no reason to think that the Chicago electorate is either reactionary or stupid. Issues have been confused, and counsel has been darkened. Civic reformers have been divided against themselves and have lacked courage and initiative. The spoils machine has known how to profit by the weakness and disunion of its opponents. It has known how to capitalize just discontent besides exploiting every prejudice and suspicion.

The outlook for genuine reform is not bright, but to take a sober view of the situation, and to understand the factors and circumstances that conspired to bring it about, is half to solve the difficult problem that faces Chicago and to pave the way for unity and co-operation on democratic lines, and for effective opposition to the spoils machine, a machine that has stolen the livery of municipal progress and blocked advance for a time while professing to stand for all that makes for civic righteousness. If the progressive forces of Chicago can command the wisdom and the good will which the situation demands, they have the opportunity, not only to regain control, but to force the spoils machine itself to serve the cause of the people while it lasts—to "deliver" something after all the extravagant and glowing promises it has made.

DEADLOCK IN PUBLIC UTILITY REGULATION

I. COLLAPSE OF CREDIT

BY JOHN BAUER, PH.D.

Public Utility Consultant, New York City

Falling prices raise serious questions regarding public utilities. If private operation is to survive, broad changes in methods of public regulation must be made. These will be discussed in a series of four articles by a man who has served as teacher, governmental adviser and professional consultant. :: :: :: :: ::

REGULATION of street railways, electric light and power companies and other public utilities was welcomed fifteen or twenty years ago with great enthusiasm as the solution of the problem which had become increasingly pressing and difficult. These utilities had developed rapidly and had become essential factors in modern life, especially in large industrial communities, before their difference from ordinary industries was understood. Experience proved that they were natural monopolies, not subject to the law of competition which controls in ordinary business. Because of the essential character of their service and the fact that they are natural monopolies, regulation for the public interest became necessary, both as to the reasonable price or rates charged to consumers, and as to the quality and conditions of service.

DISCONTENT WITH REGULATION

During recent years, however, a great deal of discontent has appeared over the results of regulation. This has come not only from the public which has not received the benefits expected, but also from qualified students and experts in close contact with the actual work of regulation. The writer feels that much of the dissatisfaction is justified, and that the methods of regulation should be radically revised. He has prepared a series of four articles for the NATIONAL MUNICIPAL REVIEW, in which he will set forth the chief criticism of the principles and methods followed by the commissions, and will outline the fundamental changes that must be made if the public utilities shall continue in the form of private corporations.

The chief criticisms against regulation is that it has resulted in the gradual destruction of credit of the operating companies, so that they have had progressively more difficulty in obtaining funds for additions to plant and equipment for the improvement and necessary extension of service. The provision of adequate service is as important a requirement as are fair rates. The commissions should have carried out the two purposes of regulation in a single policy. In fixing rates, they should have had full regard to maintaining the credit of the companies, so that funds could at all times have been obtained for all necessary capital purposes.

No extensive statistical evidence is

needed to show that in general the credit of the companies has gradually declined, that they have had increasing difficulty in raising funds. At the present time practically no utility stocks can be issued for capital purposes; also, most of the bonds are excluded or are issued at ruinous interest and discount, and even the best have to pay a much higher rate of return than should be necessary for obligations that rest upon essential public requirements.

Public utility securities, we may assume without question, should offer the safest and most attractive investments next to government and municipal bonds. They rest upon essential service for which there is a constant and increasing demand, with practically no decline even in periods of business depression. They are subject, therefore, to much less uncertainty or risk, so far as volume of business is concerned, than any other class of corporate securities. Under proper financial management and control, public utility bonds should be practically free from all risk, and even capital stock should have its dividends essentially assured. The payment of interest and dividends, also the principal of the bonds, should be practically certain, even if not guaranteed by the municipalities; then the securities would have the high investment standing which they deserve and new issues could be marketed for capital purposes at the most favorable rate of return.

Credit is the ability of a company to obtain new capital, and it depends entirely on the certainty or risk involved in the payment of the return on the capital. If there is practically no risk, credit is high and funds can be acquired at a very low rate of return; but if there is great risk, credit is correspondingly low, and a high rate of return must be paid for new capital, if it can be had at all. It is certainty of interest and dividend payments which measures the credit of a company and establishes the investment standing of the securities.

REGULATION HAS IMPAIRED CREDIT

The poor credit of public utilities is due in part to improper financial organization and management antedating public regulation, but chiefly to the failure of regulation to consider properly the requirements of credit and to proceed to establish it. The commissions, to be sure, inherited extensive overcapitalization and excessive fixed charges, which even then had resulted in poor credit and stood in the way of improving it through ordinary financial methods. This has been a fundamental difficulty, but not an insuperable one, if the commissions had made serious efforts to meet it. While they have not had the power to deal adequately with the prior overcapitalization and excessive fixed charges resting upon the properties, they have not squarely faced the problem, have not worked it out, have not placed the situation clearly before the legislatures, and have not sought adequate power to clear up the difficulty and to place the utilities upon sound financial foundations. They have not understood the problem and have made no serious effort to solve it. They have disregarded it, and through this neglect have greatly impaired the work of regulation in every direction.

But even where there had not been prior overcapitalization the commissions have not based their policies and methods of rate regulation upon fundamental requirements for the maintenance of credit. They should have allowed as the basis of rates not only operating expenses and taxes plus a so-called "fair return" upon the property, but a substantial margin above for reinvestment in additions and improvements. In ordinary business where there is no legal restriction upon rates or prices charged for the product, credit is firmly established only if the earnings of a company exceed regularly the interest and dividend requirements of the securities outstanding. The stocks and bonds can be maintained on a firm investment basis only if the net earnings substantially exceed the fixed charges, and if the surplus is reinvested in the business.

IMPROVEMENTS NOT FINANCED FROM EARNINGS

The chief source of new capital are the net earnings of a business. The properties of corporations, as well as of private individuals, are built up to a large extent out of surplus. This is well illustrated by the United States Steel Corporation, which during the period from its organization in 1901 to December 31, 1919, accumulated a surplus invested in property amounting to about $500,000,000. Besides, however, it amortized out of income large sums which might justifiably have continued in capital account, also made large reservations for depreciation, sinking funds and contingencies apparently far beyond conservative requirements. It has built up its properties to a large extent out of earnings instead of new security issues.

The United States Steel Corporation simply illustrates sound methods of corporation finance. The same policy prevails in all successful private business, with firmly established credit, whether corporate or individual. Ordinary improvements are largely financed out of earnings, and in no other way can credit be created and maintained. No fixed formula exists to determine the proportion by which the growth of business should be met out of earnings. Conservatively, however, a company should regularly reinvest out of income an amount equal to the dividends on the capital stock, and the dividend payments should not exceed the interest on bonds and other obligations. This means that the annually reinvested surplus, under sound financial policy, should be equal approximately to half of the return annually paid out to investors for the use of their capital in the business. With such a policy, credit is firmly established and maintained.

Turning now to public utilities, we find that during the period since commission regulation has become effective, a very small proportion of the growth of business has been financed out of earnings. The returns have been limited practically to a bare interest on invested capital, or on the value of the property, so that even where the companies were not overcapitalized, the net earnings above operating expenses and taxes were consumed by interest and dividend payments, leaving little or no margin for reinvestment to establish and maintain the credit of the companies.

In fixing reasonable rates, the commissions should have allowed, according to sound financial policy underlying credit requirements, net earnings above operating expenses and taxes equal at least to 50 per cent above the so-called "fair return" on investment or the value of the property. The "fair return" should have been available as interest and dividends to the investors, and the excess should have been invested in property for the extension and improvement of service. In this way, the financial needs would have been largely taken care of out of income, and the credit would have been placed so high that the companies could readily have borrowed any sums required beyond the investment of surplus.

Such a policy would result in financing out of earnings practically all ordinary improvements and growth of business, leaving only extraordinary developments to be paid through the issue of corporate securities. When in any city a system of street railways or electric or gas service, or any utility, has become fully established so that the public is adequately provided with service, there is then no reason why the additions required by normal growth of population should not be paid out of income. If, however, there is extraordinary growth of population, or if the service is comparatively new and is being rapidly developed, or if extensive changes are made because of technical advances, the cost could not reasonably be met through surplus and would require the issue of securities. Such financing was undoubtedly necessary, for example, in the extensive construction of rapid transit facilities in the city of New York in recent years, and in the rapid development of the telephone business. But the bulk of new capital required during the period of commission regulation should have come from surplus, because it represented only ordinary extension and improvement of service.

As a practical formula, an annual increase of capital up to 5 per cent of the existing investment, should reasonably be financed out of earnings. If the requirements exceed 5 per cent, the burden upon income would usually be too great, and the necessary funds should be raised through the issue of securities. With such a policy, the credit of the companies would be so high that their securities could always be readily issued at the most favorable terms in the investment market.

SURPLUS EARNINGS MUST BE SEGREGATED

A systematic plan of furnishing ordinary new capital out of earnings would require adequate safeguards so that private investors would not benefit except through the maintenance of credit. The funds thus contributed directly by consumers for the growth of business should naturally be kept distinct from the private investment of security holders; the latter should receive a fair return only on their own investment, not including the surplus furnished by the public for capital purposes. The consumers, of course, should not be expected to pay a return to security holders on their own contribution to capital.

The distinction between investment by security holders and contribution to capital by the public could have been readily made by the commissions, and account of the relative amounts could have been definitely kept. Then, in the fixing of rates, the commissions should have allowed all reasonable operating costs and taxes, plus a fair return on private investment (distributable as rent, interest or dividend payments), plus also a reasonable sum for additions to capital; but not also a return on the investment thus made by the consumers through the payment of rates. The private investors should not obtain an additional return through the special contribution of funds by the public.

Such a systematic policy would have required the commissions to fix definitely the amount of the private investment and to determine exactly the returns to which the security owners were entitled. Then, in fixing rates with changing conditions, the commissions would have had a precise basis in providing a "fair return," and would have avoided the possibility of allowing more than the investors were entitled to receive. They would have been free from the uncertainty and guesswork which have prevented a convenient adjustment of rates to changing conditions particularly during recent years. They would have had a machinery by which they could have raised or lowered rates according to reasonable business requirements, without affecting the return or payments to private investors.

The requirement of credit is certainty of return to security holders and lenders, and assurance of payment of obligations. But these simple conditions have not prevailed in public utility finance. Except in comparatively few cases, not even the amount of private investment entitled to a return has been approximately established and the obligation of the public determined. Consequently, during the years of low cost, prior to the war, rates could not be reduced to a fair basis, and during the rapidly increasing costs they could not be raised readily to correspond to new conditions. Consequently, even though in given cases the companies received more than a fair return prior to the war, they found themselves rapidly in difficulty to pay fixed charges and lost the credit which they previously had.

We face the same difficulty for the future. Operating expenses in most cases have already declined, and promise to recede to substantially lower levels during the next two years. But the commissions have not cleared away the uncertainty of the past private investment entitled to a return and, therefore, have not the machinery conveniently to reduce the rates according to declining costs. If, indeed, lower costs do come, the companies will be fighting against decreases in rates exactly as they have been struggling for increases, and the commissions will be unable to act reasonably promptly, because the rights of the companies have not been determined, and there is no machinery by which satisfactory action can be taken.

There will be no difficulty to get all the necessary private capital for public utility improvements, when our methods of regulation provide certainty to lenders or purchasers of securities. But without such certainty, new capital cannot be raised, and adequate and desirable service cannot be furnished. These are simple facts which must be patent to mere tyros in finance. Here is the chief problem which regulation must work out fairly soon, or give up its job. It must establish certainty of return to private investors, and in doing so must provide that a substantial amount of new capital is regularly furnished out of earnings. This is an absolute condition for the re-establishment of credit, to which the consumers can have no serious objection, if they in turn have the certainty that they are not thus enriching the private investors.

It is the uncertainty, the lack of definiteness in regulation, which has destroyed credit and has caused financial deadlock. Can certainty be established, or must regulation be given up because of inevitable unwieldiness?

MUNICIPAL TAX LIMITS AND ECONOMY

BY H. G. LOEFFLER
Citizens' Union - New York

WITHIN the past three years the pressure exerted by American cities to persuade state legislatures to raise or abolish tax limitations has been great. Some twenty states raised their tax limits during 1918 and 1919. Several have raised their limits during the past year. Moreover, in certain others the whole matter was dodged by allowing a special levy for the current year, or else by permitting the floating of long-term bonds to meet deficits incurred as current expenses.

The states imposing tax limits on municipalities divide themselves into four classes: Class A, those that specify a certain tax rate as a limit, either common to all cities or graded for various populations; Class B, those which base the total tax levy of one year on a percentage of the year preceding; Class C, those which bind their municipalities by both the preceding methods or which use one method for certain classes of cities and the other for the remaining classes; Class D, those which impose no limit often having abolished it after finding it unworkable. This classification is based upon general statutory provisions alone. In practically every state special limits, sometimes at variance with the state-wide method, have been set for particular cities.

STATES SPECIFYING MAXIMUM RATE

Class A comprises thirty states. The specified limit varies from ½ per cent on assessed valuation in Alabama, Arkansas, Georgia, New Mexico, Utah and West Virginia to 2 per cent in Michigan, New Jersey, New York and Virginia, and 3½ per cent in Wisconsin which includes all local units. In Utah the limit for first-class cities is as low as ⅕ per cent. Occasionally such items as debt charges and expenses for education are exempt. Eleven states grade the limits in accordance with the population of the cities. Kansas provides limits for various classes of expenditures.

Supposedly these widely varying limits prevent the public officials of the various communities from wasting the public money. There seems to be no single principle governing states which belong to the agricultural group or the industrial group. Neither is there any uniformity among states of about the same taxable wealth.

Of the states included in this group, Ohio, with its so-called "Smith 1 per cent law," seems to be experiencing the greatest difficulties. As far back as 1913 Mr. O. C. Lockhart, at the meeting of the National Tax Association, described the Ohio situation as follows:

> Tax limitation has proved utterly ineffective in Ohio as a means of securing full and just returns of all property for taxation under a uniform rule. Although there is ground for thinking that some advocates of the limitation of tax rates and governmental expenditures would welcome a return to a government of fewer functions, Ohio has gone too far, the nation has gone too far, humanity itself has gone too far, ever to get back to a government which is merely a big policeman.

Since that time the gravity of the Ohio situation has increased until Ohio's difficulties have become notorious. They were fully described in an article in the December, 1920, REVIEW.

In New York state conditions are also bad. The special joint legislative committee on taxation and retrenchment uncovered considerable testimony regarding tax limits. Mayor Buck of Buffalo testified that the tax limit discouraged careful budget preparation, oftentimes caused the issuance of deficiency bonds to finance current expenditures and by increasing the debt decreased the borrowing powers of the cities. In Fulton, New York, a floating debt will have to be carried indefinitely because of the limit. According to Hudson officials, dodging the limit was the only salvation of the cities. In Middletown, where the charter allows an increase in the tax limit by referendum, an election is held regularly. This means expensive charges to authorize expenses above the provision of the tax limit law. Mayor Edgerton of Rochester stated, "The constitutional limitation will not permit us enough money to run Rochester as we have been running it."

The investigation of the committee also showed the evident need for continual revision of tax limits. Three cities presented bills to the 1920 legislature proposing a revision upward of their limitations. All of these measures passed and became law. Some twenty other cities have, or very soon will reach, their limits when a great many more similar bills will, without doubt, be introduced.

In setting up New York city's budget for 1921, tax limit restrictions necessitated a paring down of estimates, and the final decision of the board of estimate consisted in a cut of some $26,000,000 from the proposed budget of the board of education. The belief evidently was that, in view of certain salary increases for school-teachers passed by the 1920 legislature, the latter would step in and provide this additional money by a special tax on New York city. As this is what happened, the city officials have succeeded in passing the buck. Any person familiar with New York city's present government knows that tax limits had no effect in forcing more economical expenditure of public moneys. The tax commission of Kansas reports that the state system of tax limits has failed lamentably and has caused much indebtedness.

It would seem that where expenses are seriously crowding possible revenues under the law that there, if at all, the scheme of limitation should function. But the result of the tax limit laws as they have worked out in practice in the states specifically mentioned has surely been contrary to what was hoped. Even in cities where the demands on the municipal activities have not been so great, extreme dissatisfaction has arisen.

STATES WITH PERCENTAGE RESTRICTION

Class B comprises those states using a percentage of the previous year's levy as the basis of limitation on the total current levy. They are: Arizona, 110 per cent, excluding schools and debt costs; Colorado, 105 per cent, excluding debt costs, North Dakota, 110 per cent, excluding special levies and debt costs; and Oregon, 106 per cent, excluding debt costs, which may be increased by referendum.

Of the states in this group Oregon has been having the most trouble. The auditor of Portland asserts that the law has a tendency to increase taxes by causing many bond issues, as well as tending to make cities increase levies to the limit each year. The law will probably mean the issuance of some $727,000 of bonds in Portland for certain costs which should have been met out of the general tax of the past year. A lawyer for a large Oregon taxpayers' association says that the scheme is too rigid and is bad theory, that it encourages expense, that the people are tempted to vote bond issues, and that the proper solution lies in a correct budget procedure and selection of officials. Even the man who originally pressed the law when it was presented to the Oregon legislature furnished figures showing the marked increase in tax rates in spite of the limitation. He concludes by stating that the constitutional amendment which they had hoped would accomplish so much had been circumvented.

INDIANA AND NEBRASKA

Class C comprises those states using a combination of the above methods. They are as follows: Indiana, levy subject to revision of state tax commission after local hearing on petition of ten taxpayers; Nebraska, maximum tax rate in "metropolitan cities" 3½ per cent, maximum tax levy in cities 40,000–100,000 population $365,000, maximum tax levy in cities 25,000–40,000 population $27,000, maximum tax rate in cities 5,000–25,000 population 1½ per cent, maximum tax rate in second-class cities—2½ per cent.

The marked inconsistency of the Nebraska law is evident at a glance. It is difficult to explain why a city of 45,000 population should under the law be permitted to expend a budget thirteen times as large as a city of 35,000.

Indiana experience is interesting. In 1919 a law was passed providing for the actual assessment of property on a 100 per cent basis instead of on a 30 per cent to 60 per cent basis. In order to prevent extravagance, this change was accompanied by a provision prohibiting local taxing units from levying more taxes than they had the previous year except with the permission of the state tax commission. Under this provision, the commission reduced the actual amount of taxes collected some $11,600,000 below the amount asked for by the various taxing units. The reductions were made by the commission usually after hearings held at Indianapolis. This method of tax limitation produced a violent reaction. The city officials condemned it as "autocratic centralized bureaucracy," and pointed to various bond issues as the result of the refusal of the commission to allow the inclusion of various improvement costs in current budgets. In 1920 the tax limit provision was repealed as a result of the irritation it had produced, but in 1921 it was reenacted in a new form as a result of the increase of tax rates in 1920.

The present law allows any ten petitioners to appeal to the tax commission to revise a local budget and provides that the commission shall then hold a hearing in the community affected and may affirm or decrease the budget as it sees fit. As the tax commission also controls local bond issues, the tax rates of Indiana cities are completely under the administrative control of the state.

RESULTS IN CITIES WITHOUT TAX LIMITS

The following states have either never had general tax limit provisions in their statutes or constitutions, or have abandoned them as failures: Connecticut, Delaware, Maine, Massachusetts, New Hampshire and Vermont.

Of all the states in the Union the experience of Massachusetts seems most interesting and instructive. In 1912 a legislative committee was appointed to examine into municipal finances. Investigation soon showed that most of the cities were operating under tax limits, while none of the towns, many of 10,000 to 30,000 population, had limitations. The actual tax rates were about the same in the smaller cities and in the larger towns. But the debts of the cities had grown by leaps and bounds as a direct result of the effort to escape tax limitation, while the towns had few debts. Study showed that the actual services rendered to the public by the larger towns and the cities were practically the same, and that the towns had a greater proportion of their levies available for current expenses because they were carrying lighter debts. In other words, as a direct result of tax limitations, cities with tax limits were in a worse financial condition than towns of the same size furnishing the same public services and improvements, but without tax limits. On the discovery of this situation, Massachusetts repealed all tax limits throughout the entire state, except for the city of Boston where a limit was maintained for other than fiscal reasons. At the same time a thorough and efficient budget system was installed and the new arrangement has been highly satisfactory.

TYPICAL CITIES STUDIED

The evidence above almost invariably leads to the conclusion that a tax limit law with its rigid terms usually succeeds in preventing a rise in the tax rate above a certain point, but on the other hand it causes bonding in a good many cases to cover a portion of the current expenditures. The answer may well be, however, that the opinion of city officials would be prejudiced along the lines they have taken. With this in mind the following charts of city governmental costs covering the period from 1909 to 1918 are presented. They are taken from the report of the New York state legislative committee on taxation and retrenchment. Ten cities in New York of comparative size and conditions were chosen, of which five had tax limits and five did not have tax limits. The curves in Figure I show the average per capita debt for the two types of cities, while Figure II shows the average per capita expenses of general departments.

The debt chart brings out the claim of the city officials that bonding has resulted from tax limit laws. The curve shows that up to 1915 the rate of debt increase was approximately the same in both classes of cities. After 1915, however, the cities without tax limits show a falling off in their per capita debt in spite of the rising costs of both personal service and materials which occurred between 1915 and 1918. The cities with tax limits show a marked increase during the same period. The per capita debt of the latter shows an increase of 57 per cent in 1918 over 1910, whereas that for the former is but 28 per cent. The actual increase in per capita debt is $35 for "tax limit cities," and $19 for the others. These figures show beyond dispute that tax limitation has forced the distribution over a period of years of costs which should have been met currently.

The second chart shows that the average cost of government per capita was about the same for both groups of cities in 1910. Between 1911 and 1912 the gap between the two widened materially to the detriment of the cities with tax limits. Since that time the increase has been about the same. The percentage increase from 1910 to 1918 for per capita governmental expenses in the cities with tax limits was 50 per cent, in those without tax limits, 41 per cent. The actual increase in per capita expenses in the latter case was 79 per cent of that in the former. The rather pronounced fluctuation of the "with tax limit" curve would seem to indicate that after pressure has been brought to bear and the maximum rate permissible has been raised, a splurge of spending occurs until the limit is reached. The other curve seems more regular in its increase.

Where limits prevail, one of three things happens. The cities bring pressure to bear until the limit is raised, or they resort to continued court action until a satisfactory decree is obtained from the judiciary, or they fund the amount needed over future years by bonding. It is certain that the elected officials will do all in their power to satisfy the growing demands of the public. Experience seems to indicate that heretofore they have been successful, laws notwithstanding.

There is only one way out of this

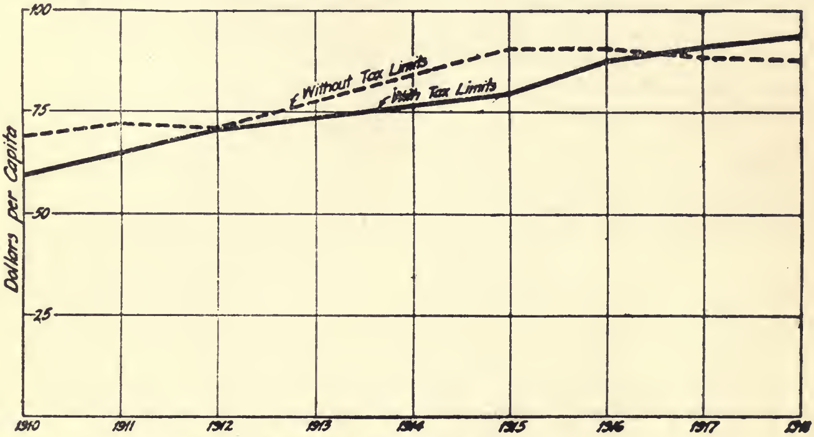

FIG. I AVERAGE PER CAPITA DEBT
of 5 New York Cities with, and 5 without Tax Limits.

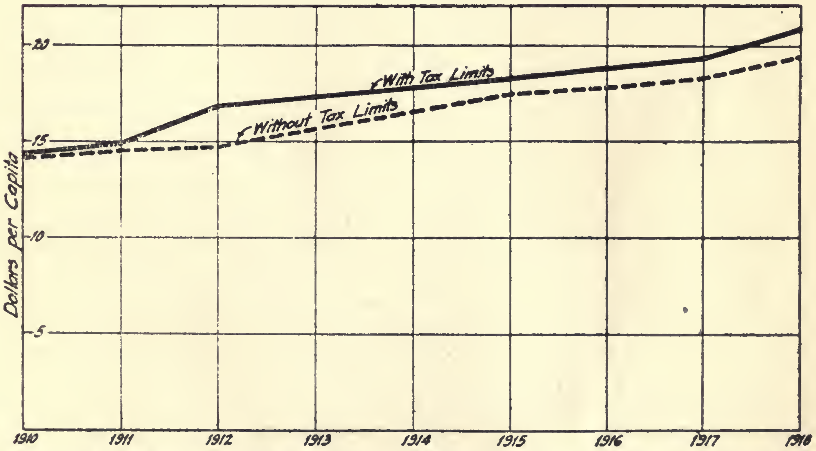

FIG. II AVERAGE PER CAPITA EXPENSES OF GENERAL DEPTS.
of 5 New York Cities with, and 5 without Tax Limits.

Note:- Based on U.S. Census Reports

situation after tax limits are abolished. That way lies along the lines of an efficient budget system. Make this system a picture of the services demanded from the government. Center the responsibility for the administration of it in one single elected official. Place on the statute books a bonding act which will not allow the cities to follow an unsound borrowing policy such as is being forced on many of them now by tax limits and special bonding laws.

It is felt that if a process such as this is worked out, limitations of tax levies will be uncalled for. The state laws will not then be productive of vicious bonding. In the budget the public will see the result financially of any new or extended governmental service demanded. If they feel that this new activity is worth the cost, let them so decide. The power will then rest where it should and tax limits will be unnecessary.

DEPARTMENT OF PUBLICATIONS

I. BOOK REVIEWS

THE CLEVELAND YEAR BOOK, 1921. By Mildred Chadsey, Editor. The Cleveland Foundation, 1921. Pp. 311.

Surely an informed citizenry is one of the indispensable prerequisites of an effective democracy. The past generation has had a great deal of information fed to it, but much of that information was fairly entitled to the prefix *mis-*.

In the Cleveland Year Book for 1921, published by the Cleveland Foundation, the citizens of that community have a dependable source of information on a wide variety of topics ranging from the arts to public utilities. There should now be no reason for a troubled taxpayer of a conscientious voter in Cleveland to remain in the dark as to the basic facts of a public issue.

The book is divided into chapters headed:

City and County Government.
City Planning, Building and Housing.
Public Utilities.
Public Safety.
Commerce and Industry.
Banking.
Labor.
Education.
Americanization.
Social Work.
Public Health Work.
Recreation and Sport.
The Arts.
Religious Work.

Each of these is prepared by one or more specialists in their respective fields, and full credit is given these contributors.

Naturally, governmental and institutional information takes up a large part of the Year Book. The first chapter, that on the city and county government, is well thought out, gives full information, but does not go into too great detail for the average citizen. Other chapters in the same general field—city planning and housing, public utilities, public safety, etc.—are similarly well treated.

Unlike many local year books, the one under review is not all boast. For instance, in Dr. Haven Emerson's illuminating chapter on public health work the statement is made quite bluntly that "Beyond doubt Cleveland has the poorest provisions for mental patients to be found in the United States." In the same chapter, also, the author is not guilty of excessive complacency when he says "The facilities for the treatment of gonorrhea and syphilis are as good here as in other cities."

In the chapter on the arts, there is also a tone of conscious humility, but there is an optimism here—perhaps too sanguine—that this middle-western industrial metropolis is "Artistically . . . entering upon the years of its early maturity."

All the chapters are meaty. Space forbids even briefest summary of the contents of the remainder. The book is most attractively and serviceably printed and bound and is of a very convenient size.

It is a pity that such ungrammatical flaws as "much . . . facilities" (p. 239), and "much . . . data" (preface), should have escaped the editor. It would have been better also if the many introductory pages had not been left unnumbered, but had been designated either by Arabic or small Roman numerals. A rather good index—indispensable to a work of this kind—failed to respond to one or two tests, but seemed better than most, nevertheless.

FREDERICK P. GRUENBERG.[1]

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A CONSTITUTION FOR THE SOCIALIST COMMONWEALTH OF GREAT BRITAIN. Sidney and Beatrice Webb. London: Longmans, Green & Co., 1920.

This important book is a courageous effort to outline the mechanism of a new world and it is one which the political scientist and earnest student of public affairs cannot afford to neglect. The new state sketched by the distinguished authors is state socialism and not guild socialism, but it is decentralized state socialism with divided sovereignty. It is state socialism which has profited somewhat by the criticisms of the guild socialists as well as by the attacks of the pluralists on the unitary sovereign state. The authors do not believe that the state, as organized at present, is equal to the task before it.

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[1] Bureau of Municipal Research, Philadelphia.

The old trust in a simple governmental structure based on political equality and universal suffrage is gone.

Most reformers think in pictures; their views are impressionistic; they rarely have the inclination or patience to bother with the practical means by which their new world is to be administered. But anyone who has had anything to do with administration realizes the terrific problems involved, and it is for such that the authors have written. They intend to construct a political mechanism that will work.

To begin with, the present system of government has broken down. It does not correspond to the work it has to do. Government is congested by a multitude of duties which it tries to perform through an organization developed long ago to perform merely the primary functions, such as justice and police. Authority organized primarily to maintain order, or for defense against foreign aggression, assumes a highly disciplined hierarchical form which, as government extends control to industrial and social conditions, infringes upon the liberty of the individual.

The new government conceived by the Webbs will be a very complex affair. Public issues, they say, are too many and confusing to enable the voter to form a simple decision by a single act, or to be represented properly by a single representative. Their socialist commonwealth does not imply the "nationalization" of everything. Perhaps it will never be necessary to nationalize or centralize more than a half a dozen leading industries. Of course, instruments of production will not be owned by individuals for private profit. Local government or organized co-operative societies will control the non-nationalized industries for social ends. The success of the co-operative movement and municipal trading, as well as the accomplishments of labor unions as organized producers, leads the Webbs to believe that the bulk of industrial activities will be in their hands.

There are to be two parliaments in the socialist state, a political parliament and a social parliament. The first will deal with foreign affairs, justice, police, et cetera. The latter will deal with the social and economic activities of the nation. Both will possess a cabinet of ministers having collective responsibility. Both will be elected by popular suffrage from geographical districts, for the Webbs are not attracted by group representation. Conflict of jurisdictions will be settled by vote of the two parliaments in joint session.

It is not expected that the social parliament will administer industry, because the function of control is sharply differentiated from administration. Each national industry will be administered by a national board, appointed by the social parliament, with district councils and works committees under it. Employes, administrative officials and the public are to be represented on those committees.

It is a vastly more complicated political machine than we, who favor progress towards a simpler and more consolidated organization, are accustomed to. A great deal of confidence is placed in administrative boards and commissions, which we have come to distrust. In the light of our experience we may be permitted to doubt whether the structure outlined by the authors would prove equal to the task. All through the book the assumption of a changed human nature is tacitly made. It is not questioned that the citizen will have political intelligence, civic zeal and disinterestedness sufficient to run the system. Civil servants are to be supermen in training, initiative and ability. Tremendous spiritual and intellectual changes will come about through a remodelled political structure. After reading Lord Bryce's comprehensive appraisal of modern democracies we may be permitted some skepticism on this point.

The Webbs have pointed out in clear relief the failures of our present political organization. Chapter IV particularly is a biting arraignment of parliamentary government at work. The authors have dared to propose a new system. This takes nerve, and we are all indebted to them for a new stimulant to our political thinking.

H. W. D.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

A City Manager for Cleveland.—A petition bearing 19,323 names has been filed in Cleveland which will bring the question of city-manager government to vote in November.

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Columbus Retains Mary Ann Ballot.—The proposal to abolish the preferential ballot, which is discussed before every election, was defeated in Columbus, Ohio, last month, by a decisive majority.

⁂

Missouri to Have Constitutional Convention.—On August 2 the people of Missouri voted affirmatively on the question, "shall there be a convention to revise and amend the constitution?" Elections for members to the convention must be held within six months.

⁂

Zoning in Toledo.—The city council in Toledo is struggling to undertake a zoning of the city in accordance with the best practice of other cities. There is before it an ordinance to appropriate funds for the preparation of a zoning plan in accordance with recommendations of the city-plan commission. Mr. Harland Bartholomew of St. Louis has been in consultation with the commission, and may be placed in charge of the task of preparing a zoning plan.

⁂

Columbus Creates Planning Commission.—Awakened civic pride, induced somewhat by the Scioto River channel improvements now nearing completion, need of a site for a city hall to replace the structure recently destroyed by fire, and the proposed re-routing of the street car service in the down-town district, has resulted in the appointment of a city-planning commission for Columbus, Ohio, modeled after similar bodies in other cities.

Chief among the important problems to be considered by the new commission are: the proposed civic center upon the river front; construction of the new municipal hall; regulation of hazardous construction of buildings; supervision of street planning; improvement of park systems; protection to residential districts against the encroachment of undesirable structures; construction of a river front boulevard which will lead to the new million-dollar stadium at the Ohio State University; and the development of a zoning system for proper control of all building activities.

Preliminary steps leading toward the civic center have already been taken. The Columbus Masonic bodies have purchased a city block within the heart of the proposed center upon which, it has been announced, a $3,000,000 temple will be erected. A recent survey, conducted by the Chamber of Commerce, indicated an overwhelming sentiment in favor of constructing the new city hall within this area. A movement has also been launched to secure a new post office.

Members of the new commission are to serve without compensation, and are authorized to make recommendations only.

Wm. M. Thomas.

⁂

Dayton's Difficulties.—William C. Barber, the new city manager of Dayton, has resigned, and a petition has been filed, although not yet checked up, demanding an election on the question to abandon city-manager government. According to Dr. Garland the movement is led by the same people who have always resisted municipal advance in Dayton. Mr. Barber is quoted as saying that the prevailing sentiment demands a local man as manager. The men mentioned as his successor are all local residents Dissatisfaction with the gas supply, another serious street car strike, and general restlessness due to unemployment have aided the antagonism to city-manager government.

The terms of the petition provide for a return to the old federal form, and if it is successful at the election no charter commission would be created. The return to the old form would be automatic.

⁂

John M. Gries Appointed Chief of Housing Division.—Mr. John M. Gries of Urbana, Ohio, has been appointed chief of the division of building and housing which has been organized under the bureau of standards in accordance with a provision in a recent deficiency bill, as explained in last month's Review. Mr. Gries comes to the division from the faculty of the Graduate School of Business Administration of Harvard University, where since 1914 he has been giving courses in lumbering, business statistics and purchasing. In 1917–18 he was director of business research. During the war Mr. Gries rendered invaluable service to the government by his researches on lumber costs for the Federal Trade Commission.

Mr. Gries is placing the facilities of his office at the disposal of the committees on building codes, standardization, statistics and zoning now being formed by Secretary Hoover in order to utilize the best thought and advice of the country in building a commercial service in housing that can stand the test of time.

We have had enough of housing nostrums. What we want is a sound, constructive service which will give us the information that we need but cannot now secure. There is every reason to believe that we may find such a service developed in the department of commerce if the Calder-Tinkham bill is passed by congress in order to make permanent the division of building and housing which is at present organized under an appropriation-bill authorization for the current year only.

Harlean James.

⁂

Massachusetts Bill Board Regulations Again.—It was with satisfaction that the Review announced in its March issue the regulations promulgated by the Massachusetts division of highways on December 20, 1920, pursuant to an enabling act passed in May, 1920. While the regulations did not go as far as the recommendations of the Massachusetts Federation of Planning Boards, they did contain the first essentials of control, if sympathetically administered. But the enactment of laws and the publication of regulations is only the beginning and not the end of effective control. Consequently, it should cause no particular surprise to learn that the division of highways recently prepared a set of revised regulations, which it is said were approved by the attorney of the billposters. It was, among other things, proposed to withdraw the regulation forbidding the erection of outdoor advertising within 300 feet of any park. But it is reassuring to learn that the regulation was evidently in accordance with the desires of a majority of the public, for the proposal to eliminate the three-hundred-foot clause met with a storm of protest on the part of citizens led by the Massachusetts Civic League, and it seems altogether probable that the three-hundred-foot clause will be placed again on the "active list."

The Massachusetts Civic League is to be congratulated for its watchful attitude.

Harlean James.

⁂

New Kalamazoo Charter.—Kalamazoo, Michigan will vote this month on the adoption of a new charter to replace the present city-manager system. The charter commission states their unanimous belief that the new instrument, if adopted, will furnish a far better form of government than that under which the city is now operating. After reading the document, this seems misguided optimism sure to prove deceptive.

The charter provides a council of ten elected by wards and a mayor with veto power whose salary is to be $500 per annum. Administration is to be in the hands of six boards appointed by the mayor for overlapping terms, the appointments being subject to confirmation by the council. The statement of the charter commission assures us that definite responsibility for the city's administration is placed with the mayor which sounds like lip service to the short ballot principle. Almost childlike trust is placed in the legal tax limit of one per cent contained in the charter. The commission assures the people that on a valuation of $3,000 the city tax will be no more than $30 instead of $40.50 as at present.

In an emotional reaction against city-manager government and a broad improvement program, the charter commission of Kalamazoo has ignored many of the lessons learned in municipal government during the last fifteen years.

⁂

Chicago's Fifty-Ward Law in Effect.—After a delay of nine months, the Chicago city council has at last passed, and the mayor has signed the ordinance creating fifty wards in the city. This is the ordinance for which the civic organizations have fought for three years. Last fall the permissive state law was submitted to the voters by the petition process and carried by more than 100,000 majority.

There is no magic in the number 50. But the new law and ordinance do two things worth while—cut down the size of the council from 70 to 50 members and equalize the size of the wards. Heretofore, the small "inside wards" had two aldermen, respectively, and the large outside residence wards had the same number. Thus, a ward of 150,000 inhabitants had only the weight of a 50,000 ward. The new wards are relatively equal in population and by this same token the old residence wards come to their own in the matter of representation.

One of the interesting by-products of the new ordinance is the elimination of Alderman Kenna —known as "Hinky Dink"—who has been in the council for thirty years. According to the *Daily News,* "Alderman Kenna is getting out by choice, in order to allow his old colleague, Alderman John J. Coughlin (Bathhouse John), who is more of an orator and who has accumulated far less of this world's goods, to remain in the council. Kenna is expected to continue his domination as ward leader."

C. A. Dykstra.

*

The Breakdown of the British Housing Schemes.—Much interest and some disappointment has been expressed in this country over the breakdown of the English housing policy. The announcement in July through the General Housing Memorandum No. 54, which instructed local authorities to issue no certificates under the Housing Act for grants to private persons for construction of houses not commenced on that date is taken to mean that England is forced to find a new policy. The prime minister is quoted as declaring, "We are only now crying a halt—not to stop building. There will not be a single house the less built. . . . I say this is simply an effort—and I use the phrase which I used before—not to stop house building, but to put it on a better and more businesslike footing."

Pending the announcement of the new policy which shall place housing on a "better and more business-like footing," we read with neighborly sympathy the comments in England. The *Garden Cities and Town Planning* journal states clearly that, the old scheme broke down because it depended upon a method of subsidization that everyone knew to be unsound. And it broke down because, although the first Act of 1919 had some provisions of a permanent character, the financial sections were temporary and the whole of the administration under the Act was on an emergency basis." The editor further makes a sage remark that we might do well to heed in this country as we come to solve the accumulated housing problem of recent years. He says: "This indifference to the wider issues of the housing problem is characteristic of the government housing scheme generally; there has been, in greater or less degree, lamentable neglect, not merely of matters of transport, but of the whole range of economic considerations that arise in connection with town development in all the large new housing schemes undertaken by the great municipalities. The explanation is that housing is a complex business that cannot be successfully handled apart from attention to the specific problems of city life and planning."

Harlean James.

II. JUDICIAL DECISIONS

Charter a Limitation Not a Grant.—A provision in the Los Angeles city charter empowered the city to "license and regulate—any lawful business or calling" and to "fix the amount of license tax thereon." Under the charter an ordinance was passed imposing a license tax on practically every kind of business and profession carried on in the city. The license tax was imposed primarily for revenue purposes, but under a previous ruling of the court the terms "license and regulate" had been construed to mean power to license for revenue purposes.

In this case the court held that the charter, which was framed in accordance with the constitution as amended in 1914, was a limitation rather than a grant of power, insofar as "municipal affairs" are concerned, and unless the charter contained a prohibition regarding a particular "municipal affair," the city had power to legislate in respect to that affair. In holding that the charter was a limitation of power rather than a grant, the court went a long way in overruling the time honored cannons of strict charter construction.[1]

*

Municipal Liability.—While filling a sprinkling wagon, a municipal employe negligently dropped a plug cover and injured a young child. Suit was brought against the District of Columbia for damages. The United States supreme court held that the sweeping of streets was a discretionary power with a municipality in protecting the public health and comfort and that it was not performing a special corporate or municipal deed. Therefore, it was held that the city was not liable for the negligent act of its employe.

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[1] *Ex parte* Nowak, 195 Pac. 402. *Ex parte* Jalusha, 195 Pac. 406.

When acting in good faith, municipal corporations are not liable for the manner in which they exercise discretionary powers of a public or legislative character.[1]

✤

Public Utility Franchises.—Certain Iowa cities passed ordinances conferring on certain public utilities franchises to use the street for twenty-five years on condition that they should charge specified maximum rates. The utilities companies sought an injunction to restrain these rates, which for the purposes of the suit were admittedly confiscatory.

The court held: First, that although governmental agencies have authority to fix reasonable rates to be paid public service corporations, that that power does not include the power to fix rates so low as to be confiscatory, and, second, that the enforcement of any rate agreement is to be controlled entirely by the question of whether there was a valid contract.

The court distinguished between governmental regulation and regulation by contract. In case of contract, providing there is an enforceable obligation, the question of whether the rates are confiscatory does not enter. If the governmental agencies had the power to make a rate contract, it would be binding even though confiscatory.

In this case the court held that under the Iowa statutes the power was always in the present council to fix rates, and that the city had no authority to make an agreement covering a period of twenty-five years; that there was consequently no contract, and hence no enforceable obligation as to the rates. The judgment in this case is a boomerang to the decision handed down by the United States supreme court in the case of *Home Telephone Company* v. *Los Angeles*, 211 U. S. 265.

That case was regarded as a great victory by the people in getting out from under vicious franchises made by earlier city officials. In the present case, however, the tables are turned, and it is the public utility which is getting away from hard franchises.[2]

✤

Municipal Liability.—The plaintiff was run into and injured by an automobile ambulance owned by the defendant. The city had statutory power to provide hospitals for contagious diseases and hospitals for inhabitants who by misfortune or poverty might require relief; but no express power was conferred to operate ambulances. Held, that the city was not liable for the accident, as the purchase and operation of the ambulance was ultra vires and that the city was not responsible for its ultra vires acts. The ambulance in this case was purchased for general purposes; had it been used solely for use in conveying paupers and contagious disease cases, the court intimates that it might have been within the implied powers of the city.[3]

✤

Tax Exemption a Sovereign Act.—The exemption from taxation by a state of its own bonds is held to be an act of sovereignty, and consequently not amenable to the constitutional provision requiring that all property within the state be taxed.[4]

✤

Dance Hall Regulation.—A city may enact and enforce ordinances designed to prevent boisterous conduct and loud, unusual, and discordant sounds that cause public annoyance or menace the public health, but an ordinance prohibiting after 10 p.m. dancing or dance music in a room or hall within twenty-five feet of a residence was held violative of the fourteenth amendment of the federal constitution as being unreasonable and oppressive, and unduly and unwarrantably interfering with personal liberties. It is interesting to note in connection with this case that the United States supreme court in *Barbier* v. *Connolly* sustained an ordinance prohibiting washing and ironing in public laundries after 10 p.m.[5]

✤

Ordinance Forbidding Firemen from Unionizing.—The city of Dallas adopted an ordinance forbidding members of its fire department from becoming members of an association not approved by the chief of the fire department and the fire commissioner, and requiring withdrawal from membership in any organization deemed by such officials to be "detrimental to the duties and service required to be performed by the members of the fire department."

Certain firemen of the city refused to withdraw from a local union affiliated with the American Federation of Labor, asserting their right to organize for mutual protection in their work. They were thereupon discharged after a hearing on charges of violation of the ordinance above mentioned, and sued to require their reinstatement.

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[1] *Harris* v. *District of Columbia*, 41 S. C. R. 610.

[2] *Southern Iowa Electric Co.* v. *Chariton U. S. Supreme Court*, April 11, 1921.

[3] *Ducey* v. *Town of Webster*, 130 N. E. 53.

[4] *Haster* v. *Roberts*, 219 S. W. 729.

[5] *Ex parte* Hall, 195 Pac. 975.

The decision of the court sustained the action of the municipal authorities on the grounds that it is of the best interest to the public that such organizations be prohibited and that the action of the authorities was not "arbitrary or capricious."[1]

Robert M. Goodrich.

III. GOVERNMENTAL RESEARCH CONFERENCE NOTES

The Rochester Bureau announces the appointment of Stephen B. Story as director, vice J. W. Routh, resigned. The bureau's address is now 501 Arlington Building.

The Indianapolis Bureau announces the resignation of Robert E. Tracy as director, to enter private business. The future of the Indianapolis Bureau, which is supported by the Chamber of Commerce, has not been announced.

The San Francisco Bureau is undertaking a campaign for finances directed by C. O. Dustin, associated with Ward, Hill, Pierce and Wells, 304 Flood Building, San Francisco. The campaign contemplates pledges for a five-year period, and it is reported that a considerable sum has already been underwritten with four more months in which to complete the undertaking.

The Detroit Bureau has added temporarily to its staff Ernest B. Schulz and Robert W. Kneebone, graduate students in municipal administration at the University of Michigan.

"The Citizen and the Government" is the title of a twenty-page pamphlet issued by the Detroit Bureau and dealing particularly with the organization and operations of the bureau, but also discussing research organizations and their place in the community.

Municipal court operations during the first year of the new Detroit court, which has been called the most modern municipal court in the country, are analyzed in a mimeographed report prepared by the Detroit Bureau. Owing to the general interest in this new court, sufficient quantities have been prepared for distribution.

The Proceedings of the Governmental Research Conference's Philadelphia meeting have been mimeographed and are available for distribution. Inquiries should be addressed to the secretary at 542 Griswold Street, Detroit, Michigan.

A Tax Reduction Council is projected in Seattle for the carrying out of a general research program.

The Taxpayers' League of Duluth has been established with offices at 204 Torrey Building. The organization is adequately financed to carry out a research program. Whitney Wall is president, and Robert M. Goodrich, of the Detroit Bureau, executive secretary.

The Hoboken Chamber of Commerce has a research department in charge of Philip H. Cornick, assistant-manager of the organization.

The Los Angeles Efficiency Department, Room 30, City Hall, is in charge of J. S. McQuiston, director.

The Rosenbluth-Kronkheit affair is apparently closed so far as the United States department of justice is concerned, by the public statement of Attorney-General Daugherty that the proceedings against Captain Robert Rosenbluth have been dismissed. At the Philadelphia meeting the officers of the conference were instructed to write to the attorney-general setting forth certain alleged injustices to Captain Rosenbluth, and to ask for a personal consideration of the case and speedy action by the department either for conviction or acquittal. It will be recalled that Captain Rosenbluth was formerly attached to the New York Institute for Public Service, was a captain in the expeditionary force, and later the representative of the national relief organizations in Russia.

The United States Bureau of Efficiency, at the request of the Board of Commissioners of the District of Columbia, is undertaking a survey for the purpose of establishing personnel grades and reporting on the business methods of the municipal government of Washington.

The United States Bureau of Efficiency reports that they are engaged on assignments looking to the reorganization of the statistical work of the government; the reclassification of government salaries, now embodied in the Wood-Smoot bill before congress; the better control of congressional office supplies; duplications of work in the executive department; the compilation of a history of permanent appropriations; the budget and financial methods of the Pan-American Union; business methods of the Freedman's Hospital; business methods of the bureau of standards; a personnel survey of the public health service; the reorganization of the bureau of internal revenue; and the preparation of a plan of efficiency ratings in the division of loans and currency.

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[1] *McNatt* v. *Lawther*, 223 S. W. 503.

IV. MISCELLANEOUS

City Clubs and City Clubs.—The Chicago City Club is publishing in its weekly bulletin a series of articles on other city clubs. For those interested in comparative methods of organizations these articles should prove good "source material." There are the "forum" clubs which only listen and discuss and never take action on controversial issues and never support or oppose candidates for office. These clubs set up as their objective the education to be derived from listening to all sides of public questions and the social advantages to be drawn from personal contact through a membership representing all classes, all political parties and all schools of thought. There are city clubs which take definite action on public questions. Such an organization, however great its moral force in the community, must be content with a membership limited to those who agree with the action taken. At least one city club is making an effort to combine the methods. By keeping the forum department entirely separate from the active committees which study special problems and make recommendations for action, it is hoped that the wires will never cross.

But whatever their type the city clubs of the country are performing a useful service. If they do not take action other organizations grow up which do. If they take action and so exclude some of their members, these undoubtedly find social and civic contact elsewhere. No one club or association can hope to cover the whole civic field efficiently.

Harlean James.

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Mr. Thomas Adams, so well known to Americans for his distinguished services as city planner under the Canadian government, has worked out an arrangement with the Dominion authorities which permits him to return to England for a part of each year where he will assume the active direction of the old firm of Thomas Mawson & Sons, landscape architects. With the abolition of the Canadian Conservation Commission, Mr. Thomas' division was renamed the City-Planning Division of the National Parks Branch of the Department of the Interior. He sailed for England last month to be gone until mid-winter.

⁂

Annual Report of the Civic League of Allegheny County.—The form and content of the annual report of the Civic League of Allegheny County, Pennsylvania, are well worth attention. The club celebrated its twenty-fifth birthday during the year by a pageant which received national recognition. The enumeration of its activities during the year shows that its membership of nearly 2,000 men and over 1,000 women is engaged in a civic endeavor invaluable to the community.

NATIONAL MUNICIPAL REVIEW

VOL. X, NO. 10 OCTOBER, 1921 TOTAL NO. 64

VIEWS AND REVIEWS

The trustees of the Toledo Chamber of Commerce have recommended that the council be reduced to seven elected at large (the present number is twenty elected by wards), with a salary of $1,800 each per annum.

*

The consolidated plan of state government, which went into effect in Ohio July 1, saved $120,000 the first month through the reduction of the number of officers and employes, according to the report of the state director of finance.

*

Based upon his experience of eight years as mayor and six years as a member of council, Mayor Thomas M. Coon of Cumberland, Maryland, has come out in favor of the manager plan for his city. Cumberland has had the straight commission form since 1910.

*

The five commissions recently elected under Miami's (Florida) new manager charter are all presidents of banks. A broad improvement program is to be undertaken, and it was the feeling of the voters that men expert in finance could best be relied upon to carry it out.

*

A recent bulletin of the Detroit Bureau of Governmental Research explains the place of research in citizen co-operation in government, and gives a list of governmental agencies in America.

*

Philadelphia recently borrowed $5,000,000 for fifty years at 5½ per cent interest, and received over $200,000 as premium because of the high rate. Pointing out that the $200,000 premium is really a loan, the proceeds of which went into the general fund, the Philadelphia Bureau of Municipal Research asks if the charter, which prohibits long term loans for current expenses, has not been violated. Had the rate of the bonds been 6 per cent the city would have secured $650,000 for current expenses instead of approximately $200,000.

*

Why Do We Stand for It?

Newspapers have estimated that during the first few months of his term, Governor Miller of New York filled positions, the aggregate annual salaries of which reach $500,000. This is four times as much as the governor of the average state can usually avail himself of in a full term. It does not include minor positions in the reorganized departments, notably the tax department which will be rich in spoils. This immense patronage went to deserving members of the governor's party and contributed much to the unusual degree in which the legislature submitted to his leadership. When turned out of jobs, the minority party have taken their medicine in good style, evidently solacing themselves with hopes of the next election.

He is indeed a loyal Democrat or Republican who would try to point out how the state profited by such wholesale "firings and hirings." And what will be the effect upon the small but increasing number of young men who would like to undertake public service on a professional basis? It doesn't offer bright prospects for a career, does it? Are the American people so obtuse that they must forever remain behind other great nations in the matter of a non-political civil service?

Wanted— A Second Civic Wind

We heard the other day about a civic league which was looking for a new job. In the old days the members of the league spent most of their time trying to convince the numerous members of the city council that they should vote for certain proposed civic improvements. Now there is a city manager in that place, and most of the desired civic legislation has been put into administrative effect without the red tape and circumlocution of the old days. The civic league is like a group of laborers who have been straining and exerting every pound of strength to push a heavily-laden dray up the hill and who suddenly find the load rolling down the other side of the slope so fast that they must run to keep up with the dray. No doubt the members of this civic league, like the dray pushers, will soon catch their breaths and find that the road leads to yet other hills to be conquered. All civic improvement is not secured by means of legislation or administrative action of public officials. Some responsibility rests upon the individual citizens. Now that a large initial obstacle is swept out of the road, such a civic league should find the way open to more ambitious plans for civic improvement which depend upon the active co-operation of every single citizen.

H. J.

The Politician's Psychology

> Our campaign committee put on an educational campaign, but did not have any politician to direct the political side of the fight. It is just another case where a righteous cause has gone down in defeat. On election day the opposition got out all the gamblers, boot-leggers and riff-raff of the city and worked hard to get every opposing vote. Whereas, our campaign committee failed to get out a full vote owing to the difficulty of determining who were for the plan. If we had it to do over again, I am inclined to think that we would put at the head of the campaign, a seasoned politician (if such a one could be found in favor of the plan), or else someone who has had some political experience in a scrap of this kind.

The above is from a letter explaining the defeat of the city-manager plan in Iowa City. The advocates were without political experience, and were defeated at the last moment when all sorts of false rumors and absurd stories were circulated respecting the real purpose of the reformers, women and "professors," who wanted to run the town.

There is a lesson in it for most of us with the "civic bug." Often we are too dignified and intellectual. Our psychology is one sided. No man, least of all the average voter, is guided by calculated rational impulses. The strong politician takes advantages of such impulses as fear, sympathy, gratitude; emotions which outside of politics are valued and respected. Surely the political purist can match the psychology of the boss.

WILDWOOD'S RECALL ELECTION

A CLEAN SWEEP FOR CLEAN GOVERNMENT

BY CARL J. GEIGES
Swarthmore College

The political ring receives a severe jolt from the incensed citizens

Wildwood, the famous south Jersey shore resort, went through a recall election on July 12 last, the results of which may well prove encouraging to other cities confronted by similar difficulties.

The election was bitterly contested. Every wire that could be pulled by any of the candidates, factions and organizations involved was stretched to the limit. National political partisanship, however, had no part in the affair. Every nominee for commissioner on the recall ticket was a Republican, and the issue, therefore, narrowed down to the personalities and records of the candidates and the groups supporting them.

The three commissioners who lost their offices were Mayor William C. Hendee, Oliver Bright, and Frank C. Smith. These men had been placed in power by the election of last November. On all issues that came before them they disagreed, the attendant circumstances being such that they were pretty generally accused of "playing politics" regardless of the interests of the city. The continuous squabble among the commissioners broke into open warfare when Frank Smith circulated petitions to recall his two colleagues, Hendee and Bright. Smith was successful in getting the required 25 per cent of the voters to sign his recall petitions. In their turn Hendee and Bright attempted to recall Smith but the latter fooled them by resigning.

In New Jersey recall elections are so arranged that the voters vote first on the recall, and separately on the same ballot express their choice for successors to fill the places that may be vacated. In the election of July 12, both Hendee and Smith were candidates for mayor, Hendee in the hope of staving off recall, and Smith in the hope of taking his place as a result of his recall. Each was asserted to have the support of the "gang," consisting approximately of eight hundred voters, mostly colored. Certainly they fought hard for the vote of the "gang" districts. In the meantime, however, M. Courtwright Smith, a fine, clean, upstanding business man, was persuaded to announce his candidacy for the mayoralty, giving up a position that paid him much more in order to do so. He was joined by two men of similar type, Ralph L. Carll and Alfred Taylor, who became candidates for commissionerships.

TABLES TURNED ON "PRACTICAL POLITICIANS"

The "practical" politicians of Wildwood simply laughed at this opposition. Independent candidacies without the support of the "gang" they regarded as a joke. On the twelfth of July, however, the decent element among the men of Wildwood, reinforced by a large part of the women voters, gave the "practical" politicians the surprise of their lives. Hendee and Bright were both recalled, and all three of the independent candidates were elected by thumping majorities. The figures are as follows: for recall of Mayor Hendee, Yes, 1194; No, 253. For recall of Commissioner Bright, Yes, 932; No, 461. For Mayor, W. Courtland Smith, 852; Frank Smith, 493. For street commissioner, Taylor, 889; Pinker, 388; Wrisley, 235. Ralph Carll, who was unopposed for finance commissioner (except by Bright's effort to defeat recall), received an even thousand votes.

For a long time the politics of Wildwood have been thoroughly unsatisfactory, to put the case mildly. In the opinion of many substantial citizens these sordid political conditions have been the chief reason why Wildwood has so far failed to take proper advantage of its splendid natural gifts. Tired with the mess which had been made of their municipal affairs, the better class of voters responded solidly when they realized that at last capable men were ready and willing to sacrifice their time and energy to place the city on a good firm foundation. After a lot of shifty shuffling Wildwood has at last put its best foot firmly forward. If there is any backsliding it will be the people's fault, and the remedy, as recent events show, lies in their own hands.

CITY-MANAGER MOVEMENT

ASSOCIATION GOSSIP

BY HARRISON GRAY OTIS

The City Managers' Association will hold its eighth annual meeting at the Chicago City Club, November 14 to 16, overlapping the last day with the National Municipal League so that joint sessions of the two societies may discuss problems of common interest.

The seventh year book of the association, which has just made its appearance, gives evidence of healthy growth on the part of the association and of the movement as a whole. Its 250 pages contain a quantity of fairly readable material, starting off with progress reports from 245 towns and cities that have adopted the city-manager plan of government, presenting the addresses and discussions that featured the seventh annual meeting, and winding up with tabulated data. There is, perhaps, a prodigality of printers' ink, but the frequency of bold face subheads gives a snap to the document that takes it out of the class of the usual society annual and divides the otherwise heavy meal into short courses that are easily digested.

MOVEMENT GROWS RAPIDLY

Chronicling the progress of the city-manager movement is one of the functions of the association. Its records indicate that there have already been 44 cases of managers being transferred from one city to another, while 17 men affiliated with the society as "subscribers" have become city managers. The little mimeographed monthly bulletin published by the association secretary serves as a medium between cities seeking managers and managers, active or prospective, who are willing to be sought. The number of cities and towns operating under, or pledged to, the city-manager plan has jumped from 229, as announced in the June issue of the REVIEW, to 247. There have also been several changes in the personnel of the profession during the past few months.

For the benefit of those who are keeping tabs on the new plan, these additions and changes are presented herewith in two lists:

RECENT ADOPTIONS OF CITY MANAGER PLAN

State	City	1920 Population	Plan[1]	In Effect	Manager
California	San Rafael	5,512	O	July, 1921	H. K. Brainerd
Connecticut	New London	25,688	C	Oct., 1921	
	Stratford	12,347	C	Oct., 1921	
Florida	Fort Myers	3,678	C	July, 1921	
	Lake City	3,341	C	June, 1921	C. E. Hurst
	Miami	29,549	C	July, 1921	C. S. Coe
Idaho	Rupert		O	July, 1921	J. C. Lunday
Indiana	Michigan City	19,457	C	Jan., 1922	
Kansas	St. Marys	1,321	C	May, 1921	W. E. Miller
Massachusetts	Stoughton	6,865	C	Jan., 1922	
Michigan	Benton Harbor	12,233	C	July, 1921	
	Escanaba	13,103	C		
Minnesota	Columbia Heights	2,968	C	Aug., 1921	
Montana	Bozeman	6,183	C	Aug., 1921	
North Carolina	Reidsville	5,333	O	May, 1921	E. H. Wrenn
			(C	May, 1922)	
Ohio	Cleveland Heights	15,236	C	Jan., 1922	
Oklahoma	Woodward	3,849	C		
	Yale	2,601	C	May, 1921	W. E. Estep
South Carolina	Florence	10,968	C	June, 1921	Clyde G. Brown
Texas	Houston	138,076	O	May, 1921	Claude E. Belk
West Virginia	Bluefield	15,282	C	July, 1921	Clarence E. Ridley
	Morgantown	12,127	C	July, 1921	Charles S. Sutherland

RECENT APPOINTMENTS OF CITY MANAGERS

State	City	1920 Population	Plan	In Effect	Manager
California	Alameda	28,806	C	May, 1917	Clifton E. Hickok
	Long Beach	55,593	C	July, 1921	Charles E. Hewes
Colorado	Colorado Springs	29,572	C	Apr., 1921	A. M. Wilson
Florida	Punta Gorda	1,295	C	July, 1921	Max Charles Price
Kansas	Stockton	1,324	C	May, 1921	S. S. Smith
Michigan	Kalamazoo	48,374	C	June, 1921	Clarence L. Miller
North Carolina	Durham	21,719	C	May, 1921	Radford W. Rigsby
	Elizabeth City	8,925	C	Apr., 1915	James B. Ferebee
	Greensboro	19,861	C	May, 1921	P. C. Painter
	Morganton	2,867	C	May, 1913	Mr. Cannon
Ohio	Dayton	152,559	C	Jan., 1914	F. O. Eichelberger
Oklahoma	Ardmore	14,181	C	May, 1921	Kirk Dyer
	Lawton	8,930	C	July, 1921	C. E. Douglas
South Dakota	Rapid City	5,777	C	Aug., 1921	A. W. Vincent
Virginia	Bristol	6,729	C	Sept., 1921	S. L. Keller
West Virginia	Clarksburg	27,869	C	May, 1921	Harrison G. Otis
	Wheeling	54,322	C	July, 1921	Homer C. Crago

[1] "C" indicates adoption of plan by charter; "O" indicates adoption of plan by ordinance.

THE CIVIC CROWD

BY HARLEAN JAMES

Secretary, American Civic Association

Our common interests and common tastes, logically enough, bring us together in Chicago in November. :: :: :: :: ::

ALMOST every well-conducted city nowadays has working within its confines at least the following voluntary civic organizations:

City Club—forum or civic action type—composed of men; often affiliated with the National Municipal League and the American Civic Association.

Women's City Club—forum or civic action type—composed of women; often affiliated with the National Municipal League and the American Civic Association.

Women's Civic or Municipal League—civic action type—composed of women, often affiliated with the National Municipal League and the American Civic Association.

Civic League or Club—civic action type—composed of men and women, often affiliated with the National Municipal League and the American Civic Association.

Civic Section, Chamber of Commerce, with a participating voice in the Chamber of Commerce of the United States, often affiliated with the National Municipal League and the American Civic Association. Membership largely men, but often including women.

Civic Section, Woman's Club, member of General Federation of Women's Clubs, often affiliated with the National Municipal League and the American Civic Association.

Sectional Improvement Associations, often joined in a city-wide federation of improvement associations, distinctly neighborhood groups, but sometimes affiliated with the American Civic Association.

Perhaps because the social workers have dealt largely with the family as a unit, even in the application of the "case method," it has been found natural and necessary in social work that men and women should work shoulder to shoulder. Civic improvement, on the other hand, has necessarily concerned itself largely with laws, regulations and administrative acts of public officials. Consequently the voters and the non-voters found themselves in groups facing slightly different approaches to their problems. This distinction has now been swept away. There is now no fundamental difference in the method of approach to problems of civic improvement between men's city clubs and women's city clubs, nor between women's civic leagues and men's civic leagues.

Whether composed of men alone, or of men and women, there is a special function to be performed by the civic sections of the chambers of commerce, the associations of the business interests of the community. The civic sections of the women's clubs enroll the interest of many who would be reached in no other way. The improvement associations are essentially geographic and neighborhood in character, and will continue to render valuable service to the neighborhoods. For a considerable period, certainly, too, the newly-organized Leagues of Women Voters will primarily perform the dual function of removing discriminations in law and practice against women, and training women voters in the duties and responsibilities of citizenship.

II

The general civic work of the communities would seem to devolve upon the city and civic clubs and the civic and municipal leagues. Whether the cordial co-operation between the men's and the women's organizations will lead to alliance or merger, it is difficult to say; but it is within the realm of possibility that the next decade will see the present distinctions swept away. In the meantime, the National Municipal League, for twenty-seven years in the governmental field, and the American Civic Association, for seventeen years in the civic improvement field, have maintained a membership of both men and women and have as affiliated members both men's and women's clubs. Both associations are service organizations. They neither control nor are controlled by local organizations, and the same may be said of the local bodies.

And yet no single community can live unto itself alone, can pursue its own way in disregard of its relation to the surrounding country, or to the state-wide conditions under which it must live. Neither can any community in any state forget that the United States of America stands for a country-wide citizenship, a nation-wide vision, and a broad fellowship in civic endeavor.

III

The need, therefore, for continued and increasing service on the part of the National Municipal League and the American Civic Association seems clearly evident. The combined programs of these two organizations, together with those of the City Managers and the Civic Secretaries during the third week in November in the city of Chicago, should appeal to those who are carrying the civic burdens in their home neighborhoods.

A cordial invitation is extended to all individuals and organizations interested in civic improvement to attend *Civic Revival Week* in Chicago, November 13–18. The City Managers meet November 14–16, Monday to Wednesday; the National Municipal League November 16–18, Wednesday to Friday; while the American Civic Association, starting with Civic Sunday, holds sessions Monday to Thursday inclusive. The headquarters of the City Managers and the National Municipal League will be at the City Club; the headquarters of the American Civic Association will be at the Drake Hotel. On Thursday, Co-operation Day, the National Municipal League and the American Civic Association will hold joint sessions.

These national civic meetings offer a unique opportunity to us all to correct our civic perspectives by comparing notes with other communities and becoming more intimately acquainted with a national point of view.—H. J.

EMPLOYERS AND EMPLOYES AGREE ON CIVIL SERVICE PRINCIPLES

BY CLINTON ROGERS WOODRUFF

President, Civil Service Commission of Philadelphia

FORTUNATELY two great national bodies are devoting a large measure of time and attention to the solution of one of the unsatisfactory phases of the public service: The Chamber of Commerce of the United States and the National Federation of Federal Employes, representing respectively the employer and the employed.

CHAMBERS OF COMMERCE DEMAND RECAST CIVIL SERVICE

Adequate and equitable pay for the army of government employes is being strongly urged by the Chamber's Committee on Budget and Efficiency as one of a series of proposals for a complete recasting of the federal civil service. Its report was submitted to a referendum vote of the industrial and commercial organization within the Chamber's membership. It involved nine recommendations dealing with reclassification of personnel and related problems. The purpose of the referendum was to ascertain the opinion of business organizations respecting the recommendations made by the committee, and the results were most enlightening. The propositions voted on were:

I. The present system under which personnel for the federal civil service is secured and managed should be recast. The vote was 1,695 for, and 23 against.

II. Adequate and uniform pay under essentially like conditions should be established as a fundamental principle for the federal service through reclassification and regrading. Vote: 1,652½ to 43½.

III. Reclassification should be by statute based on investigations already made and further investigation by the civil service commission. Vote: 1,562 to 108.

IV. Reclassification should be installed by the commission and the budget bureau and current correction made by congress aided by these agencies. Vote: 1,610 to 69.

V. Promotion should be given statutory recognition as the preferred method for filling vacancies, with lines of promotion clearly defined and promotions made upon the basis of proved merit under civil service regulations. Vote: 1,649 to 39.

VI. All administrative officers not responsible for determining policies should be included under civil service rules. Vote: 1,544 to 135.

VII. Transfers between departments should be regulated by executive orders consistent with the civil service law. Vote: 1,680 to 13.

VIII. Efficiency records should be developed by the civil service commission. Vote: 1,653 to 48.

IX. Removal of an employe should be possible upon a written statement of reasons to the employe with opportunity for written reply, but without right of appeal above the head of the department. Vote: 1,481½ to 173½.

These propositions represent the underlying principles of a sound policy of public service employment whether federal, state or municipal, and their more general observance in the various branches of government would represent a great step towards truly efficient and economical administration of public affairs.

THE PERSONNEL PROBLEM AND THE PUBLIC

In support of its recommendations the Chamber's committee urged that the "personnel problem of an enterprise which engages the services of more than half a million employes cannot be minimized, if the public which foots the bills in ever increasing amount for government costs is ever to receive a reasonable return on its investment. Recent developments make it not only opportune, but imperative, that business now give this matter the thoughtful consideration which it deserves."

It is most significant that this report should declare, as it did with strong emphasis that "in private industrial and commercial life, the innumerable questions relating to the efficient utilization of the operating and managing forces of the organization are now accepted as of vital importance to successful management of the business. In this field of administration of the public business government has lagged far behind. With the passage of time the statute books have become filled with a mass of varying directory or prohibitory decisions of Congress which to-day seriously hamper any successful handling of recognized problems of admittedly primary importance in establishing a businesslike administration of the federal service." It is equally important and significant that the recommendations should be so overwhelmingly approved by the constituent members scattered all over the country and representing every section.

With reference to its recommendation that adequate and uniform pay under like conditions should be established, the committee maintained that "it is an elementary proposition that a body of employes permeated with a sense of unjust and inequitable treatment by the employer in the primary matter of just pay for services rendered will be inefficient and expensive. Present conditions in the federal service as to fixation of salary rates are perpetual incitements to discontent and half-hearted effort, and an undoubted source of great waste of public money."

An important recommendation of the committee was the one having to do with inclusion within the civil service of administrative officers not charged with determining matters of policy. With respect to this suggestion the committee said:

> One of the most serious handicaps to both economy and efficiency in the federal service is undoubtedly to be found in the practical exclusion from the permanent civil service of a very large part, if not practically all, of the administrative offices of real distinction. No one would suggest that Cabinet officers and their immediate assistants should be other than the personal selection of the President or of themselves, and permanency in the highest positions in the foreign service of the Department of State, such as ambassadors and ministers, probably will have to come as a matter of practice rather than law or executive rule. There still remain, however, a very large number of positions which belong properly with the permanent operating force of the government, and should be so recognized. These include principally such local offices as postmasters of the first, second and third classes. Appointments to these offices continue to be made almost without exception on the basis of political favor. Each change in administration, particularly if it involves a change in party, means a wholesale overturn in this personnel. This waste is tremendous and obvious.

FEDERAL EMPLOYES IN HARMONY WITH U. S. CHAMBER

It is equally interesting to note what legislation the National Federation of Federal Employes is asking congress to exact. It covers the following main points:

1. Reclassification of all positions in the civil service, everywhere throughout the United States.
2. A salary scale which fixes pay by the skill and training required for the work, with a minimum rate of not less than the cost of living as determined by official investigations.
3. Appointments and promotions on proved qualification, determined and regulated by the federal civil service commission.

4. Removal of inefficient employes in accordance with standards of efficiency, controlled by the civil service commission.

5. Opportunity for advancement of pay within a grade, according to efficiency.

6. Equal compensation and equal opportunity for promotion irrespective of sex.

7. A uniform efficiency rating system, to be established by the civil service commission, with records accessible to employes and provision for appeal to the commission.

8. Transfers between departments at higher rates of pay.

9. Administration of the salary provisions by a central agency, which can keep the classifications up to date.

How significant that these two bodies agree so closely not only with each other, but with those who have been contending so faithfully for the Merit System so many years. If any argument were needed as to the general soundness of their contention that merit and fitness should be the basis of appointment, we have it in the vast army of employes involved and the importance of their duties and that these most concerned employers, employes and the public alike, agree substantially on the essential principle.

DEADLOCK IN PUBLIC UTILITY REGULATION

II. NOTHING EVER SETTLED

BY JOHN BAUER

Consultant on Public Utilities, New York

The second article in our series on the regulation of public utilities. What are fair value, a reasonable return, proper operating costs? These and other questions are still unsolved. :: :: :: ::

In the previous article, the writer showed that regulation of public utilities had failed to take into account the necessity of developing and maintaining the credit of the companies and that as a consequence they have been unable, or have had difficulty in obtaining funds for necessary construction and improvements and to furnish reasonable service to the public. This failure properly to conserve the credit of the companies is, however, only a part of the more far-reaching failure to work out definite principles and methods of regulation. The chief difficulty is that *nothing is ever settled.*

Regulation started with the broad proposition that the commissions should fix reasonable rates. After about twenty years of active experience, little progress has been made beyond the original vague formula; it has become clarified only in that reasonable rates are stated as would bring a fair return on the fair value of the property used for the public service. This, however, is still so general that it does not indicate even the important steps in rate making and does not attempt to provide systematic machinery for the details of rate regulation.

WHAT IS FAIR VALUE?

The first basic question which should have been definitely answered long ago is, *what is fair value?* After all the interminable discussion, the publication of innumerable articles, scores of books and reports of learned societies, opinions of commissions and courts,—the statement of principle has scarcely advanced beyond the dicta of Justice Brewer in *Smythe* vs. *Ames*, back in 1892, that in the determination of fair value there shall be taken into consideration the actual cost of the property, the capitalization of the company, the earnings, the reproduction cost, and such other factors as may be necessary. This manifestly is not a clear guide to a commission in actually fixing rates. It was perhaps the best possible original pronouncement, which long ago should have been worked out into precise principles and methods of valuation.

Perhaps this much has been cleared up as to the meaning of fair value, that it does not signify so-called commercial value as used by economists in ordinary discussions of competitive business. Such value depends upon the earning power of the property, which in turn reflects the price of the product, and for that reason cannot be used as the basis for public utility rate making. The rates charged would determine the value of the property, so that the value itself could not be used as the measure of fair rates. While this is a matter of simple logic and has been extensively recognized by regulative bodies, still it has not been definitely disposed of and can still be dragged as a factor into a rate proceeding.

While it may be assumed that fair value does not signify commercial value, but some category of cost or investment, the term is still so loose that it causes utmost confusion in practical rate making. It may mean (1) the actual cost of the property used in service, that is, the cost of actually installing the plant and equipment; (2) the reproduction cost, which would be incurred if the property were to be installed at the time the rates are fixed; (3) the actual or installation cost, less deduction for depreciation; (4) the reproduction cost, less depreciation, or (5) the actual investment, the amount of money contributed by the investors without regard to the existing property employed in the service. These are the principle bases of valuation which enter into the discussion of rate proceedings; no one basis has ever been adopted and each one is shrouded in numerous subsidiary uncertainties.

The difference between these different general bases of valuation is frequently great, and in every case the lack of definite principle causes drawn-out litigation, the accumulation of a voluminous record, acrimonious controversy, with the final result that nothing is definitely settled. The purpose of this article is not to defend any particular basis of valuation as the one specifically applicable to rate regulation. A forceful argument can be made for any one of the methods. The point is that no policy has ever been decided upon and the whole matter of valuation is almost as chaotic as twenty years ago.

An important factor of valuation is the deduction that should be made from cost new of the property for depreciation, to take account of the wear and tear and obsolescence which may have been realized up to the date of the appraisal. While, unquestionably, the preponderance of court and commission decisions has been that depreciation should be deducted from cost new, the method of computing the amount has not been decided, and even the general principle of deduction has not been so clearly established but that it is still vigorously disputed by the companies in rate proceedings before the commissions. Thus one of the largest public utility interests in the country is now appearing before a commission with an application for an increase in rates, and it contends that its properties are furnishing 100 per cent service and that no deduction should be made for depreciation. And this is possible after the many years of regulation and the vast discussion of depreciation and rate making!

PRINCIPLES OF VALUATION CONFUSED

All these questions as to valuation should, of course, have been definitely disposed of many years ago. When regulation was first begun, there was great difficulty in most instances to decide just how to treat the investors justly in determining the amount of the past investment. But the commissions should have proceeded as rapidly as possible to fix definitely in every case the amount of the investment entitled to a return, and thus eliminate once for all the uncertainties as to past investment. In such a determination, some injustice probably could not have been avoided; the investors might have been somewhat harshly treated or the public might have been required to pay a return on a somewhat excessive valuation; but the margin of this uncertainty would not have been great, and thereafter definiteness should have been maintained. If the amount of investment entitled to a return at the beginning of regulation had been ascertained, then the actual additional investment made subsequently could have been easily determined and the entire amount on which the investors were entitled to a return could have been constantly shown by the books of the company, supervised and controlled by experts of the commissions.

But, we are still in the chaos of valuation. There is hardly a company whose rights have been so clearly determined that there is not ground for acrimonious dispute as to the amount of investment entitled to a return. Even where appraisals have been made, the values then determined have not been clearly recognized as finally fixed sums, to which need be added merely the additional subsequent investment. Thus in a noted case which had required nearly five years for determination, there is to-day after a further lapse of five years, the question looming up whether the company is now entitled to a return upon its present properties at present prices without regard to the previous appraisal, or whether the earlier valuation should be taken as a starting point. And, there will be again all the so-called evidence, cross examination, and arguments as to all subsidiary matters of valuation, which had taken many months of time before and should have been finally disposed of. How, with such lack of principles and machinery, can a commission fix rates in a practical way, so as to dispose reasonably promptly of the large issues that come up for decision?

PROPER RATE OF RETURN UNCERTAIN

Besides the questions of investment which have remained unsettled, there is also the determination of the rate of return that has been left uncertain. In every considerable case, there is extensive "evidence" presented to show the reasonable rate of return, and there are long and vigorous arguments to support a higher or lower rate for the company or city. The margin of uncertainty usually ranges between 6 and 8 per cent; this difference is so great, especially in a large property, that naturally counsel feels the issues at stake of such importance as to justify all pseudo proof and tenuous argument to support his view.

As soon as possible after active regulation had begun, the commissions should have fixed the rate of return to which the companies were entitled upon the then existing investment made prior to regulation; this would have been a permanent right of the company and a definite obligation of the public, without subsequent variation or further modification. Thereafter, upon additional investment, there should have been allowed as return the actual interest or dividends required by investors as determined by the successive issues of securities in the course of the development of the business. The commissions have had control over the new issues of securities and thus have had available a definite measure under complete accounting control by which to fix the amount of necessary return upon new investment; but they have not employed even this medium of certainty. If they had once for all fixed the return reasonably allowed upon the old investment and then added the necessary interest or dividends for new capital, they would have eliminated all uncertainty as to rate of return, and in the determination of rates they would have had simple numerical factors which they could have taken directly from their records or from the books of the companies.

The commissions are now confronted not only with the general unsettled question as to the rate of return, but also with the startling if not absurd issue that the return on the entire investment should represent the present exceptionally high interest rates due to the war,—with the investment based upon the peak prices of present reproduction cost! Clearly the burden upon the public would be tremendous if the bulk of the investment, which had been made prior to the war, should now be subjected to a return at present market rates. At the same time, these matters of principle had never been determined; consequently the investors and their counsel cannot be held particularly blameworthy if in the chaos of uncertainty they now urge every possible claim in favor of their interests. The commissions should have formulated long ago principles and methods so clear that these questions could not now be raised to confuse and to clog the actual work of regulation.

OPERATING CHARGES DISPUTED

Not only the investment and rate of return, but even the operating expenses which should be included in the rates charged to consumers, are subject to uncertainty and dispute. The general formula is that only reasonable expenses should be included, while the cost of mismanagement should fall upon the investors to furnish incentive for progressive efficiency in operation. This, however, is vagueness personified, and as a matter of fact, after deliberate consideration, practically all operating expenses when once incurred are finally admitted into the computation for rates so that the assumed incentive for efficiency hardly exists.

OTHER CONFUSING ELEMENTS

It has been fairly clearly established that all taxes on property used in operation are properly included in the rates, but during the past five years a new question has arisen as to whether federal taxes should be included. Since the income taxes have assumed large amounts, this question has come to be one of considerable importance. Although there has been sufficient time to decide definitely how the matter should be treated, it has not been determined and promises to be an additional factor of confusion in practical rate making.

In a very important rate proceeding involving one of the largest companies in the country, the question has come up to what extent the rates in each community should be separately determined where the company serves a number of cities in the same state. The astounding proposition has apparently been laid down by the commission in the case that no valuation or determination of investment for the individual cities is needed, on the assumption that the company is entitled to a return on its entire property throughout the state without regard to segregation between the different municipalities. This view, of course, is not established law, and its discussion does not come within the scope of this article; its significance here is that after twenty years of regulation a matter of such profound importance should not have been decided and should now become the subject of extended litigation.

Many other points which should have been decided definitely long ago are still shrouded in uncertainty; enough have been enumerated to show why regulation has not succeeded. Manifestly, before the commissions can perform their task of rate making in a practical way, the must formulate clear-cut principles, adopt definite rules and methods and establish an automatic machinery by which costs and returns are shown. They must get rid of present chaos; they must not be compelled to reconsider the same questions and issues *ad infinitum;* they must make actual decisions, establish certainty as to facts and methods,—cut through the circle of forever going over the same ground and never getting anywhere.

ONE HUNDRED MILLION DOLLARS IN NEW HOUSING UNDER TAX EXEMPTION

BY HENRY H. CURRAN

President, Borough of Manhattan

The Fusion Candidate for Mayor of New York describes what is being done in that city to provide homes for the people under the law granting tax exemption for new houses. :: :: :: ::

At this writing it is just a little over four months since the board of estimate concurred in the board of aldermen's action approving a tax exemption ordinance for the City of New York. Since that day, results of the ordinance have practically silenced its opponents; even the loudest of them. In those four months, plans for 20,897 homes have been filed in the five boroughs of the greater city. This is an increase in building over the same period last year of more than 215 per cent.

As we know, it was the exigencies of the war that started the housing shortage. Bending all its energies toward the task of beating the enemy, our national government decreed that labor and materials should be mobilized in war work, while building was practically suspended. And we have never yet caught up. Each month for the past two years, at least up to the beginning of this spring, has seen the number of available homes becoming smaller, while the number of families, without adequate living quarters, has grown steadily greater.

This housing shortage, which tax exemption is helping to relieve here, was perhaps more serious in New York City, due to the tremendous population and congestion thereof, than anywhere else in the country. It was and still is, in my opinion, the most serious problem facing the municipal authorities. And its results have been most demoralizing to good citizenship.

In the first place, rents have skyrocketed beyond the ken of the man of moderate means. Some unscrupulous landlords have gone to the most outrageous length in their efforts to secure all that the traffic would bear. People are trying to make the most of all sorts of makeshifts in order to have a place to live. Apartments built for one family have been divided and subdivided again until men, women and children are crowded into cramped quarters that are unsanitary and indecent. Patients suffering from such infectious diseases as tuberculosis and typhoid fever have been and are even now forced to take their chances of recovery jammed and huddled in the same rooms with their well fathers and mothers, brothers and sisters.

Efforts to relieve these conditions began about eighteen months ago. Plans were considered from two separate and distinct angles: First, there were the immediate needs of the case, touching primarily the relations between landlord and tenant, the size of rentals, regulations of dispossess proceedings, etc. Second, there was the question of permanent relief, which could only come about in one way; that is, in the construction of more homes.

So far as the immediate needs were concerned, the New York legislature enacted laws designed to relieve conditions here in the city for the time being. These laws were somewhat drastic in character. They had to be, to be effective. And they brought their measure of help in a desperate situation.

PERMANENT RELIEF NECESSARY

When it came to permanent relief, however, those at Albany felt that they must encourage builders in some way, and, so, in the special session of September, 1920, the legislature passed the tax exemption law allowing municipalities to exempt, for ten years, from local taxation, all new buildings erected for dwelling purposes. To the governing bodies of each city was left the option of taking advantage of this law, or not, as they deemed best.

I felt then, as I feel now, that the only way to solve our housing problem was to build homes enough to go around. I also felt, that, to get builders to invest their money during the period of reconstruction, following the war, there must be some definite incentive in the way of financial aid. Otherwise, a man who started, say in the spring of 1921, to erect an apartment house might find himself in competition with a man who waited a year or so and built one at two-thirds the cost. It seemed most likely that builders would simply wait for "better times"; and, in the meanwhile, our people had to have houses, and have them right away. Therefore, as soon as the tax exemption measure became a law, I asked the Board of Estimate to instruct the corporation counsel to prepare an ordinance putting the law into effect here. This communication of mine was killed by the Board with very little ceremony.

Shortly afterwards, Alderman Collins, the majority leader of the board of aldermen, introduced the Hylan ordinance, which purported to give the city full advantage under the state law. Before granting to any home builder tax exemption relief, however, this ordinance provided that:

> . . . the Board of Estimate and Apportionment shall first inquire into, hear and determine any application for such exemption, when the Tenement House Commissioner shall have certified to said Board in writing that in his judgment the granting of such exemption in any such case will provide relief in an emergency existing in the City of New York, due to lack of housing; and provided further that said Board of Estimate and Apportionment shall, thereupon, by unanimous vote, approve of applying such relief. . . .

THE ORDINANCE PASSES

I felt that the housing crisis in our city was so acute that no unnecessary obstacles should be placed in the way of builders, who desired to build homes for the people. And I was sure that the Board of Estimate, as constituted, could never reach a unanimous decision on anything. Therefore, I also introduced into the Board of Aldermen an ordinance which followed closely the language of the statute.

The Committee on General Welfare combined both our measures and reported out the combination which was defeated by the Board of Aldermen. Changing my ordinance then, in certain respects, I again introduced it with the co-operation of Alderman Collins, and it was passed on February 15, 1921. The board of estimate on February 25 set the final seal of approval on tax exemption for this city.

The ordinance, as enacted, provides for the exemption from local taxation until January 1, 1932, all new buildings planned for dwelling purposes whose construction was completed since April 1, 1920, or if not so completed, whose construction was commenced before April 1, 1922. Such exemption was granted to the extent only of $1,000 for each living room, including kitchens, but the total exemption shall not exceed $5,000 for each single family house, or for each separate family apartment.

After the ordinance was passed, some of its opponents declared that, inasmuch as the state law had not set any limitation on the cost of the building to be exempted, the city ordinance, in limiting that amount at $5,000, rendered the ordinance unconstitutional. However, in its session last winter, the legislature settled this question by an amendment to the original bill permitting municipalities to make what limitations they chose, and legalizing those already made, so that there is now no question as to the constitutionality of the act.

While the ordinance did not become effective until February 25, 1921, yet all dwellings finished since April 1, 1920, will receive the benefits provided for in the law. The fact that dwellings completed since April 1 were included in the assessed valuation for 1921, which valuations have already been confirmed and fixed, will not prevent the relief being given for 1922 and subsequent years.

BUILDING PERMITS INCREASE 216 PER CENT

The following table gives the number of building applications filed during the four months from February 26 to July 9, inclusive, for the past two years. It shows that since the enactment of the exemption ordinance plans for an average of more than 1,000 homes a week in the greater city have been filed:

NUMBER OF FAMILIES PROVIDED FOR

	Dwellings		Tenements		Dwellings and Tenements			
	1920	1921	1920	1921	1920	1921	Incr.	Per cent
Feb. 26–Mar. 5	291	317	86	111	377	428	51	13
Mar. 7–12	277	391	12	257	289	648	359	124
14–19	442	433	0	567	442	1000	558	126
21–26	401	475	92	90	493	565	72	14
Mar. 28–Apr. 2	428	478	0	465	428	943	515	120
Apr. 4–9	527	608	139	317	666	925	259	39
11–16	410	696	120	266	530	962	432	81
18–23	420	615	44	660	464	1275	811	174
25–30	256	652	79	513	335	1165	830	248
May 2–7	326	729	94	696	420	1425	1005	239
9–14	213	607	32	479	245	1086	841	343
16–21	234	728	58	754	292	1482	1190	407
23–28	190	830	0	545	190	1375	1185	624
May 31–June 4	145	617	51	475	196	1092	896	459
June 6–11	240	924	31	604	271	1528	1257	656
13–18	231	840	163	612	394	1452	1058	268
20–25	122	731	0	522	122	1253	1131	927
June 27–July 2	175	704	22	400	197	1104	907	460
July 4–9	114	527	139	662	253	1169	936	370
Total	5442	11902	1162	8995	6604	20897	14293	
Average percentage of increase								216

BUILDING OF SMALL HOUSES STIMULATED

A feature of these building applications that have been filed, which is very encouraging to me, is the great number of little one- and two-family houses that are being provided under the impetus of tax exemption. Plans for nearly 12,000 of these old-fashioned, so far as New York City is concerned, little, honest-to-goodness homes, have been filed thus far in 1921, as against 5,442 in 1920. They are literally springing up in the outlying sections of the city, and what this means to our people, only the man can tell who has moved from his cliff-dweller-like abode in an apartment house to one of these real homes where the family comes downstairs to breakfast and goes upstairs to bed.

At the same time, under tax exemption, apartment house building has taken on a healthy new lease of life. Plans for 447 of these, to house 8,995 families, have been filed. This is an increase of 674 per cent over the preceding year. It is, perhaps, significant that in practically all building plans filed this spring, the cost per home has averaged under $5,000.

I believe that the tax exemption ordinance is accomplishing all its friends said it would. It is bringing homes to thousands who would otherwise be homeless. However, if the law is to achieve the fullest measure of success, help must come from those able to help. I am speaking now of the man or woman who can afford to lend money on first or second mortgages. There is no greater public service to be rendered to-day than co-operating with the man who is trying to find a home. It is a responsibility that no citizen can afford to evade. Tax exemption makes the investment doubly secure, and the investor has added returns of inestimable value in the better citizenship that decent housing facilities for everybody will insure.

To the builder, the tax exemption ordinance has meant that much, if not all, of the increased cost of building over normal conditions is written off. Careful estimates place the saving at 35 per cent of the cost of construction.

LOW STREET RAILWAY FARES WITH THE HELP OF THE LANDOWNER

BY LOUIS B. WEHLE

New York City

Formerly a Member, Federal Electric Railways Commission

If the landowner will share with the public a fraction of the increased value which street railway improvements bring to his property, the puzzle of fares and services will begin to unravel. :: :: ::

Nobody wants high street railway fares. The company managers are compelled to urge them only as a last resort. If they were sure of low costs, they would much prefer low fares, which mean better and steadier business.

THE DILEMMA: EXTENSIONS, HIGH FARES, CONGESTION

The question is how can low fares be assured? We know that fares must be sufficiently low to enable the cities to follow a normal uniform growth, avoiding congestion. But we know, too, that the service must at the same time insure rapid transportation from home to office or workshop. This means, particularly in the large cities, a continual extension of the rapid transit facilities which do not operate on the street surface. Such facilities are very costly; they entail a high capitalization and have everywhere either caused or threatened to force higher fares. And higher fares can thwart the very purpose of rapid transit extensions, since they will tend to create the very congestion which those extensions are intended to prevent.

THE WAY OUT: ASSESS THE LANDOWNER FOR CONSTRUCTION

From this dilemma there is a plain, simple escape. Not a new remedy, but an old one which has been in use in connection with other public improvements for many years all over the United States; and resort to that remedy has been since 1909 permitted in connection with street railways by the laws of New York state. The question is when will the American cities adopt it?

When a city builds a new street or a fire hydrant, the landowners along that street or in the vicinity of the hydrant are assessed by the city to pay for it. Public opinion and the courts have approved for generations this procedure with reference to these and other improvements, such as sidewalks, sewers, water systems, parks, and more recently, also, in connection with electric light systems; and the landowner is thoroughly in accord with it because his is the primary benefit of the improvement, while the benefit to the taxpayer is only a general and more remote one.

So let it be with the rapid transit lines of a large city. Take New York as an example. New York City has pledged its credit to the extent of over two hundred and fifty million dollars to build a vast subway system. The companies, in effect, operate the subways on a basis of rentals which pay for them at the end of a long term of years. The fares must be high enough to enable the companies, (after first retaining certain earnings for their own account), to pay those rentals. In other words, the taxpayers' credit builds the subways, and then these same taxpayers, as car riders, put up the money with which the subways are paid for. The process is sound from the financial standpoint; but when we think of the landowner's profit, the general taxpayer in that process does somehow suggest the man in "Mother Goose" who had scratched out both his eyes by jumping into a bramble bush,—

"And when he saw his eyes were out,
With all his might and main,
He jumped into another bush
And scratched them in again."

THE FEDERAL ELECTRIC RAILWAYS COMMISSION ON THE LANDOWNER

For, what of the landowner? He frequently pockets a profit of from one hundred to several hundred per cent on his investment, a profit which the taxpaying and riding public has donated to him. Please read what the Federal Electric Railways Commission said about the New York landowner in its report to the President in August, 1920:

> Your Commission would urge that in every community, where and to such extent as may be practicable, consideration be given to the advisability of requiring extensions and rapid transit systems of subway and elevated to be paid for, not out of new capital invested through the medium of bonds or stock, which means for all time an added burden upon the car rider, but from special taxes assessed against the owners of property in the district the value of which is enhanced by such extensions. . . .
>
> The principle is peculiarly applicable to improvements of city transportation systems, because of the enormous increases in real estate values created when new extensions open up new territory or when the creation of rapid-transit facilities make outlying territory more available.
>
> The City Club of New York, in 1908, a few years after the extension of the New York subway from One hundred and thirty-fifth to Two hundred and thirtieth Streets, in Manhattan, had been built at a cost of $7,375,000, made an authoritative study of new real estate values created by that extension in the district lying between One Hundred and Thirty-fifth and Two Hundred and Thirtieth Streets. After deducting $20,000,000 as a liberal estimate, based upon studies of parallel situations, of the natural increase in property values in that district which would have taken place without the subway extension, it was found that the increase in values clearly brought about by the subway extensions was $49,200,000, an amount upward of seven times the cost of the improvements. The property in the district enjoyed an increase in value of 104 per cent. If, by assessment, it had borne the entire cost of the extension in the district, it would have still retained a new profit on the value of the land of 89 per cent, or an aggregate of $41,825,000 for the district. The Manhattan extension just referred to, together with the Bronx system beyond One hundred and thirty-fifth Street, cost $13,075,000. These two extensions directly created, in a limited area lying near those extensions, new land values, solely due to the extensions, of $80,500,000. Let it be borne in mind that the cost of the entire subway system from the Battery to Two hundred and thirtieth Street in Manhattan and to Bronx Park was about $43,000,000.
>
> In Philadelphia recent estimates of improvements in land values expected from rapid-transit projects in contemplation have been equally enlightening. Similar results would be certainly obtained in many other cities by studies similar to that made by the City Club of New York.
>
> *Is it not in accordance with the laws of economic justice, then, that the landowner, as such, should share his benefit of increased land value with the public?* Instead of the cost $7,375,000, of the Manhattan extension being borne by the owners of the land in the newly served territory, it was capitalized and translated into an annual charge of $350,000 or more, a burden which had to be borne out of the carfares and which to-day helps to intensify the financial predicament in which the company finds itself. If the public pays out of its fares for the cost of maintaining and operating the line which will bring the outlying landowners such enrichment, should the latter not share with the public out of that enrichment, depending upon the degree in which he is benefited, by paying for or by helping to pay for the initial cost of construction of the line? That such a solution is just is rather

significantly shown by the fact that in a number of cities, landowners in outlying districts have offered spontaneously to contribute large sums to the company to assist it in constructing certain extensions. The present predicament of the street-railway companies is in many places partly due to overbuilding, a fault traceable to political or business pressures exerted by speculators in suburban lands who had little or no financial responsibility in connection with the street-railway extensions, which they caused to be built for their immediate benefit. This action of the suburban landowners of certain cities, on the other hand, is a significant expression of enlightened self-interest and a sound, constructive recognition of a fundamental principle of justice. The establishment of that principle by law, whether by changes in city ordinances, state statutes, or state constitutions should, in our opinion, not be delayed. This thought is especially recommended to the attention of a number of communities which are now facing the necessity for extensions or rapid-transit improvements.

When the Federal Commission points out that in a number of cities landowners have voluntarily offered to contribute large sums to the company to assist in constructing extensions, we see that the principle of assessing the landowner has developed spontaneously as a resultant of the economic forces involved. The next step is to give to that spontaneous resultant a legal status, so that an obligation to contribute shall bear equally upon all landowners. It will doubtless surprise many to learn that this step has already been taken in the City of New York.

NEW YORK CITY'S NEGLECTED LAW

It seems to have been generally overlooked that the statutes of New York to-day provide in detail permissively for assessing landowners for the cost of street railway construction. The Rapid Transit Act since its amendment in 1909 has provided that New York City may construct rapid transit railroads paying for them with funds raised by the issuance of rapid transit bonds or of assessment bonds. Such line "shall be a local improvement the cost of bonds of which railroad may be met in whole or in part by assessment on the property benefited." It is then provided that the Public Service Commission, with the approval of the Board of Estimate and Apportionment or other analogous local body "shall have power to determine whether all or any, and if any, what, portion of the cost and expense necessary to be incurred for any such road shall be assessed upon property benefited thereby," etc. The entire machinery for assessment is fully provided for, and the assessment and interest may be paid in installments over a period of nine years. But this permissive law has never been used. It seems to the writer that it might well be employed as it stands, but that if it were practicable to do so it should be made more just and therefore perhaps more readily acceptable by amending it to provide that the cost of construction be defrayed in the first instance out of a general city bond issue, the determination of benefits to the landowner, and the amount of his assessment being then postponed until some time after the construction of the railway when the results are largely matters of actuality instead of prophecy.

WHAT THE BENEFITS WOULD BE

Stop and consider what it would mean in the future development of New York City if the landowners were to contribute one fifth of their new land value toward paying for the subway or elevated line which creates that new value. First it would mean a continuance of relatively low fares and even possibly, in the end, a reduction of fares. It would lessen the strain on the city's credit, and definitely eliminate the possibility of certain large tax burdens. Then it would mean an avoidance of congestion with its train of evil consequences and would permit long-range city planning for the public health and welfare.

The subway and elevated extensions needed in New York City to-day darkly threaten its taxpayers and are a grave challenge to its credit. Mr. Daniel L. Turner, at that time chief engineer in the office of the Transit Construction Commissioner, issued in 1920 a thorough analysis and survey of the present and future traction needs of Greater New York. If the extensions are to keep pace with the city's needs, then, according to Mr. Turner, about two hundred and fifty million dollars ($250,000,000) of extensions must be built in the next twenty-five years. Even if we should proceed on a far more reduced basis, it seems certain that within the next ten years at least thirty million dollars ($30,000,000) will have to be spent for extensions into new territory on Long Island, where streets have to-day not even been laid out. Can there be any doubt whatever that the new land values which will be created in that undeveloped territory will be fully as great as those created in 1908 by the extension from One hundred and thirty-seventh Street to Spuyten Duyvil of the Broadway Subway? An assessment system should be devised which will fix upon the landowner in the heart of the city the obligation to contribute by assessment to the construction costs, whether he be benefited by central improvement such as additional trunk-line tracks, or by a suburban extension; and which will fix upon the suburban owner liability not only for the cost of the extension which most obviously benefits his property, but also for the cost of the extra central tracks or tunnels made necessary in the heart of the city by such a suburban extension. It would be a difficult administrative and legal problem to work out the determination of benefits and assessments where so many intangible elements are to be dealt with. Yet scientific handling of the problem can doubtless evolve a system which would equitably place upon the land in the center of the city and upon the suburban owners in large part, if not entirely, the cost of all future main line and outlying suburban construction. A lien of indeterminate amount would be automatically placed upon the land lying within a certain distance of the improvement; the amount of the actual increase in land value would be determined by appraisal some time after the construction; and the landowner would then be given the option to pay the assessment, if any, in installments over a period of years. "Assessment, *if any*," because in the case of central city property it frequently happens that a rapid transit improvement adds no value and sometimes even impairs value.

PRACTICABLE PRIMARILY IN LARGER CITIES

Lack of space prevents a complete discussion of the various objections which might be raised to this plan of assessment. In the first place, it would be practicable primarily in the larger cities. Furthermore, it presupposes a degree of state regulation which will secure to the public the benefit in lower rates of the saving which this plan would effect for the companies. And in some communities serious legal obstacles would have to be overcome. There are objections and proper objections to any economic plan which could possibly be devised for dealing with any public financial problem, because every economic adjustment carries with it some real disadvantages. The question for the larger American municipality to decide is whether or not, as a matter of principle this plan presents a desirable solution. If it does, and if the administration of the plan is constructed with foresight, it can be made to work in the main justly and effectively for the lasting good of the city.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Party Registration and Designating Conventions Opposed in Nebraska.—Among the measures passed by the last Nebraska legislature and ordered to referendum was one requiring all voters in country precincts, towns and villages to register and declare their party affiliations before voting at the primary elections. The farm organizations oppose it because it makes independent political groupings difficult and because of the inconvenience to country people who wish from time to time to change their party connections.

Another bill ordered to referendum in Nebraska is that permitting the restoration of the convention system for the selection of delegates to national party conventions and permitting the state conventions to endorse candidates seeking nomination at the primary.

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California's Water and Power Act.—Petitions are being circulated under well-organized leadership to put a constitutional amendment on the ballot which will enable California to put state credit behind local development of water and power. If the amendment is adopted, a state water and power board will be created, which will pass on requests from local units of government for the construction of works for power and irrigation. If the plan is deemed feasible the state board issues bonds to cover the project and the locality contracts to buy the water or power at rates adequate to cover the investment.

A statement issued by William J. Locke, secretary of the League of California Municipalities, indicates that it will cost about $1,500,000,000 to develop water power as it should be developed in the next ten years. But at eastern rates the return on this would be $1,000,000,000 per year.

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P. R. Notes.—In the elections for the Northern Irish Parliament held in Ulster last May the Hare system emerged triumphant from the most severe test to which it has ever been subjected. In the counties of Tyrone and Fermanagh, which formed a single election area, 84,792 ballots, more than in any previous Hare election, were handled without difficulty. In some of the other areas the vote was only slightly less. The average vote for the constituencies was 89 per cent of the qualified electors, and the number of invalid ballots for all causes throughout the entire area was only 1.01 per cent. Outside of Belfast the minority secured representation in every election area and the results were almost exactly in proportion to the votes cast by the two sides. The outstanding leaders of all parties were elected. Although there were some deplorable instances of intimidation and impersonation, the election generally passed with comparative quietness and good order.

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The committee appointed by the Canadian Parliament to investigate proportional representation has reported that it was impressed with the arguments advanced by advocates of P. R., but recommended a prebiscite to ascertain the wishes of the electors before proceeding with legislation to secure it. The last Alberta legislature ordered a speaker's conference to make a full investigation of P. R. between sessions.

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The new constitution for Malta promulgated by the British Government on April 30, 1921, provides for the election of the entire house of assembly and all general members of the senate by the Hare system of P. R.

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In the national legislature and each of the provincial legislatures created by the recent Government of India Act, a committee of public accounts is to be set up, not less than two thirds of the members of which will be chosen by the Hare system of P. R. by the elected members of the legislature.

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American Library Association Acts on Civil Service.—At the last meeting of the American Library Association its Committee on Civil Service relations reported that it had presented the following questions to the Committee of the National Assembly of Civil Service Commissions appointed to confer with the representatives of the Library Association:

1. If the Library Association will arrange for the compilation of a bibliography of civil service in the United States, and annual supplements

thereto, will the Assembly arrange for its publication?

2. Will the Assembly unite with the Association in asking the Institute for Government Research or other similar organization to investigate the subject of civil service administration, especially in its relation to the professional branches of service, federal, state, and municipal?

3. If the Library Association will agree upon standards of service, can the Assembly of Civil Service Commissioners recommend either the establishment of a general examination board, the recognition of the results of examinations given by such a board, or the recognition of the results of examinations by other civil service commissions adopting the same standards of service?

The Committee of the American Library Associations consists of W. Dawson Johnston, chairman, St. Paul Public Library; C. B. Roden, Chicago Public Library; C. F. Bowerman, District of Columbia Public Library; P. L. Windsor, University of Illinois Library; M. J. Ferguson, California State Library, and C. F. D. Belden, Boston Public Library.

The Committee of the Assembly of Civil Service Commissions consists of T. C. Murray, New York Municipal Civil Service Commission; Miss Alice R. Taylor, Connecticut State Civil Service Commission, and Mark H. Place, Milwaukee Civil Service Commission.

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County Government Notes.—*Alameda, California.* The Board of Freeholders of Alameda County, including Oakland, Berkeley, etc., California, have completed and submitted to the voters a new consolidated city and county charter with a city and county manager. A metropolitan council of seven members is the governing board chosen from districts. Berkeley contains two districts; Oakland three; Alameda one, and the rural territory one. The district attorney, assessor, auditor and judges remain elective, but all city and county officers are consolidated or abolished, and there will be but one tax collector, one assessor, one treasurer, etc. The council men are to receive $3,000 per year each, and the charter specifies a minimum salary for the city manager of $12,000. A system of boroughs is provided with borough boards of trustees in each city and town with limited jurisdiction. A fuller discription of the charter will appear here later.

Sacramento, California. The Taxpayers League of Sacramento filed on July 26 a petition of 4,300 names, being one-third more than enough, to compel an election of freeholders to frame a county charter. The purpose of the effort is to apply the city-manager principle to the county government, Sacramento having recently adopted the city-manager plan with proportional representation by an overwhelming vote.

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Michigan. Efforts are under way already to obtain the 105,000 signatures required to place upon the November 1922 ballot the proposed initiative amendment to the constitution, making it possible for counties to have new forms of government.

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Milwaukee, Wisconsin. The office of county manager came into existence in Milwaukee county in August, but he is, strictly speaking, only the manager of the county institution under the control of a new board of trustees.

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Los Angeles, California. The adoption of the present Los Angeles county charter in 1912 struck thirteen elective offices from the ballot and greatly simplified the local mechanisms of government. A further consolidation is now urged by the Municipal League of Los Angeles proposing to consolidate the health officers of the county and of the various cities, in the effort to eliminate overlapping and friction and improve the protection of the public health.

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The Partnership Principle in the Post Office Department. — Of the ten new cabinet managers of what is now so glibly called "the greatest business on earth," no one has attacked his problem of management with more enthusiasm and more spirit than the postmaster general, Mr. Will H. Hays. It is true that to no other Cabinet member did the situation in his own family, so to speak, offer a more compelling and decisive challenge. The Post Office Department is not alone the largest of the several departments, comprising nearly half of the 650,000–700,000 employes of the Federal government, but the employment conditions and standards of efficiency were probably farther removed from acceptable standards than in any other department.

Properly enough he has called his task "humanizing the Post Office Department." The very promise conveyed in these words has sufficed to arouse a new spirit of hope and helpfulness among the great body of employes. The heartiest assurances of support have come from all quarters, both official and unofficial.

The program for realizing the promise consists evidently of two factors. The one is the establishment of welfare councils in the department proper, in the larger post offices and in the railway mail service. These councils are thoroughly representative in composition. They are the instrument whereby the postmaster general hopes "to develop in the department the spirit that we are 300,000 partners." In the words of Dr. Lee K. Frankel, vice-president of the Metropolitan Life, who is now serving as the director of the welfare division, the councils are empowered "to consider from every angle that may arise anything that affects the welfare and the general condition of the employes. That will include hours of labor, question of wages, and then, besides, all the conditions in the building that make for efficiency in work. That means sanitation, question of lighting, first-aid rooms, leave, and similar matters."

Steps have already been taken under the leadership and inspiration of Director Frankel for the organization of the councils. They are enthusiastically hailed by an editor of one of the organs of the postal employes as "the most progressive step in the advancement of the Postal Service in the history of the Post Office Department."

The second feature of the program "for putting heart into the service" is the elaborate survey of working conditions now being made. Questionnaires containing nearly 200 items are being circulated among all first- and second-class offices for the purpose of ascertaining under what conditions postal employes work. Inquiries are made as to light, air, cleanliness, sanitation and other factors that make for a healthy and wholesome work environment. The answers to these questions, compiled by the way with the aid of representative employes in the given office, are to serve as the basis for the renovation and rehabilitation of such offices as are in need of it. Any fair observer who has traveled much throughout the country knows that there is sore need of such a policy in all too many localities.

These are the features of the new program. When the time comes to record the performances under this program there is little doubt among those who have seen Mr. Hays at work but that they will bulk large.

W. E. Mosher.[1]

II. GOVERNMENTAL RESEARCH CONFERENCE NOTES

A report on Street Cleaning and Snow Removal has been completed by the Minneapolis Bureau. It is based on a year and a half of field work, and is a valuable addition to the surveys of these activities. The report is very full, and many of its suggestions will be useful in other cities.

The San Francisco Bureau has issued an impressive report of its activities for the four years 1917 to 1921. Its list of "effective activities" sets out a long record of successful recommendations. The much shorter list of "non-effective activities" may not have been as ineffective as the bald caption indicates, even though the bureau's efforts were not crowned with success at the moment.

Standardization of Salaries and Grades is the subject of a memorandum by the Philadelphia Bureau to the Civil Service Commission of that city. It outlines in considerable detail the steps to be taken to effect standardization.

A Report on the Performance of Plumbing and Roofing Work by Private Contractors for the division of housing and sanitation in Philadelphia by the Philadelphia Bureau is chiefly of local interest, but presents a thorough study of contracts of this nature and of methods of control.

Business Methods of the Bureau of Hospitals is the title of another report by the Philadelphia Bureau. It has particular reference to stores, property and garages.

A Survey of the Police Bureau of Rochester, New York, has been issued in printed form by the Rochester Bureau. The bureau added to its staff for the purposes of this survey Mr. L. V. Harrison. The report is original in character, and its recommendations will be of interest to other cities.

Parks and Playgrounds in Kansas Cities is a report in tabular form by the Municipal Reference Bureau of the University of Kansas on the areas and costs of lands devoted to these purposes and on the costs of maintainance.

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[1] National Institute of Public Administration.

Proposed Increases in Revenue for Chicago Schools is a report by the Chicago Bureau in opposition to the very radical increase proposed in local school income.

Debt Charges and Taxation in 1922 in the city of Cleveland contains an analysis of local finances.

The Bureau of Municipal Research of Philadelphia has been admitted to membership in the Welfare Federation recently organized in that city. The Federation is planning a campaign to finance the budgets of all civic and philanthropic organizations approved and admitted by it, to become operative October 1, 1921.

Lower Merion Township, Pennsylvania (which is part of Philadelphia's suburban zone), through its commissioners, have engaged the Philadelphia Bureau to undertake a study of the township government in all its functions.

Municipal Street Cleaning in Philadelphia was established in two of the city's thirteen districts on January 1, 1921. The Philadelphia Bureau has been largely instrumental in making definite steps toward extending the new functions to the whole city. As a result, while the city council rejected the mayor's proposal to make the city-wide plan effective October 1, the council committed itself to January 1, 1922, as the date for making this extension operative.

The Hospital Accounting System, including a perpetual inventory, is now being installed in the Bureau of Hospitals at the request of the Philadelphia Research Bureau.

The Abatement of Nuisances is covered in a report by the Philadelphia Bureau on the division of housing and sanitation of the Philadelphia health department.

The Study of the Municipal Court of Philadelphia, begun by the local bureau, has been discontinued because of disagreement with the court as to whether the findings should be considered confidential, and because of the impracticability of conforming with the court's request that a study of organization and methods be made simultaneously with an evaluation of the court's social work.

The Development of Personnel Tests is to be undertaken by the Detroit Bureau in co-operation with the Detroit police department. For this purpose, Prof. L. L. Thurstone of the division of applied psychology, of the Carnegie Institute of Technology, has been engaged. It is expected that varying types of written examinations will be corrected with the actual work of policemen in the field, with a view to developing an examination which will prove most effective in selecting competent police officers.

The Tax Supervising and Conservation Commission of Multnomah County has been organized by state legislation, with jurisdiction over the budgets and tax levies of the municipal corporations within the county. This authority covers some eighty municipalities, the principal ones being the City of Portland, the Port of Portland, the Commission of Public Docks, School District No. 1, and Multnomah County. The commission's powers are very broad, and the field for statistical and accounting research large.

Clarence C. Ludwig, accountant for the Rochester Bureau of Municipal Research, has resigned to take the position of executive secretary to the Tax Supervising and Conservation Commission, Portland, Oregon.

The Institute for Public Service conducted during the summer session of New York and Columbia Universities, a school men's and publisher's exhibit of high spots in-for-and-about education. Visitors' questions were answered from reports, catalogues and other materials sent in by hundreds of school men. The exhibits were opposite the men's dormitories of Columbia University at the new offices of the Institute at 1125 Amsterdam Avenue.

Hart C. Cummin, after a year of field work with the Institute for Public Service, has gone to the newly organized Institute for Public Service at Kansas City. He is a Cornell engineer, and brother of Gaylor C. Cummin, former city manager of Jackson and Grand Rapids, Michigan, and now doing field service with the Institute. Hart Cummin's experience includes surveys of Portsmouth, and Cuyhoga Falls, Ohio, engineering and health work in Michigan, tabulation and graphing of growth facts for 210 colleges and 397 professional schools, etc.

The Research Bureau of the Oklahoma City Chamber of Commerce has concluded surveys of sewage disposal, garbage collection, sanitary and storm sewers, river straightening, water mains, fire stations and equipment, as well as reservoir and water supply equipment. The bureau is recommending a bond issue of approximately $6,500,000 for the purpose of improving these facilities.

III. COMMENTS ON CIVIC BETTERMENT

Chicago Appoints Zoning Commission.—The mayor of Chicago has appointed the zoning commission which was authorized some time ago. Mr. Charles Bostrom, commissioner of buildings, has been made chairman.

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What One Woman Has Done.—A very active member of the American Civic Association in Pennsylvania has sent five dozen copies of the Association Billboard Bulletin, "Illegal Signs in Pennsylvania," by J. Horace McFarland, to different candidates in the primaries in her district. She has received replies from many of the candidates promising to stop the practice of placing signs on the wire poles. Also, she has personally taken down over five hundred illegal signs in her district. Education and elimination are excellent methods. In any community even one person possessed of civic sense and high courage can change the face of the landscape. It is to be hoped that more Pennsylvanians will go and do likewise.

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Civic Contributions by Chambers of Commerce.—The Chamber of Commerce of Attleboro, Massachusetts, has issued a housing report.

The Chamber of Commerce of Houston, Texas, is conducting a health campaign.

The Chamber of Commerce of Appleton, Wisconsin, has fostered a city planning conference which was followed by the appointment of a city planning commission by the mayor of the town.

A division of the Chamber of Commerce in Houston, Texas, is working for the adoption of an ordinance establishing a uniform grade and width of sidewalks in Houston.

The Homestead, Pennsylvania, Chamber of Commerce is responsible for extensive repairs on the bridge crossing the Monongahela River between Homestead and Pittsburgh.

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Union of Canadian Municipalities Meets.—The twenty-first annual convention of our sister organization in Canada was held in Ottawa, July 27 to 29. Municipal finances, municipal health and welfare, metropolitan areas and civil service had prominent places on the program. Active city officials from all over the Dominion were present. Americans can take courage from the fact that much the same troubles as bother our cities are being experienced across the border. Mr. Clinton Rogers Woodruff addressed the Union on "The Present Status of the Public Service," and H. W. Dodds on "Recent Developments in Municipal Government in the United States."

A pleasing feature of the occasion was the presentation of an illuminated address to W. D. Lighthall, K.C., upon his retirement as honorary secretary of the Union after twenty years' service. Mr. Lighthall receives the major credit for the present prosperous condition of the Union, which can so largely be traced to his untiring energy in the cause of better government. He has long been an honored vice-president of the National Municipal League. An illuminated address was also presented to Mr. G. S. Wilson, who retired after twenty years' service as assistant secretary.

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Memorial Trees in Minneapolis.—In June, the city of Minneapolis dedicated her Victory Memorial Driveway in permanent commemoration of the 555 of her sons who gave their lives in the World War. The exercises were impressive. A high tribute was paid to the leadership and service of Charles M. Loring, an honored life member of the American Civic Association. Said Judge Torrance:

> For more than half a century Charles M. Loring has been identified with every fundamental forward step taken by Minneapolis. He has been distinguished for civic pride. . . . He is the father of the park system of Minneapolis. The first trees in the first park were planted under his direction, and he has with unabated zeal promoted the multiplication and development of parks, playgrounds, fountains, and the beautifying of the city, until Minneapolis bids fair soon to become the garden of America.

Mr. Loring furnished the trees for the memorial and provided a trust fund of $50,000 for their perpetual care. The Hennepin County contingent of the Loyal Legion has created a permanent committee charged with the duty of supervising the care of the trees.

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The Kansas City Memorial Tower.—Mr. J. C. Nichols, vice-president of the American Civic Association, is serving in his home town, Kansas City, as vice-chairman of the Liberty Memorial Association with Robert A. Long as chairman. Acting under the advice of Thomas R. Kimball of Omaha, a competition for designs for an appropriate memorial was opened to the architects and artists of the country. The successful competitor is Horace Van Buren Magonigal, who has designed a tower which he conceives as "the flame of inspiration" typifying the unquenchable spirit of the Great West, "guarded by the spirits of Courage, Honor, Patriotism and Sacrifice, burning forever upon an altar high-erected in the skies, a pillar of cloud by day, a pillar of fire by night."

The pillar will be erected facing the Union Station Plaza, in front of the Union Station, "where East and West meet." On the base of the colossal shrine will appear a dedication:

> To perpetuate the courage, loyalty and sacrifice of the patriots who offered and gave their services, their lives and their all in defence of Liberty and the Nation's honor during the World War.

The rugged setting of the high bluff will add to the majesty of the column which should give to the entrance to Kansas City a character unusual in American cities.

⁂

National Advisory Committees on Building and Housing.—The following gentlemen have been named by their respective associations at Secretary Hoover's request to serve on a *Committee on Zones:* Lewis A. Moses, Cleveland, Ohio, National Association of Real Estate Boards; Morris Knowles, Pittsburgh, Pennsylvania, United States Chamber of Commerce; J. Horace McFarland, Harrisburg, Pennsylvania, American Civic Association; Nelson P. Lewis, New York City, National Municipal League and National City Planning Conference; Lawrence Veiller, New York City, National Housing Association.

The Advisory Committee on Building Codes, which has been at work some weeks, is constituted as follows: Ira H. Woolson, chairman, consulting engineer, National Board of Fire Underwriters, New York City; Edwin H. Brown, architect, Minneapolis, Minnesota, chairman Committee on Small Houses, American Institute of Architects; William K. Hatt, professor of civil engineering, Purdue University, Lafayette, Indiana, specialist on structural materials; Rudolph P. Miller, superintendent of buildings, New York City, chairman Building Officials' Conference; J. A. Newlin, in charge of timber tests, United States Forest Products Laboratories, Madison, Wisconsin; Ernest J. Russell, architect, St. Louis, Missouri, well-known authority upon building construction; Joseph R. Worcester, consulting engineer, Boston, Massachusetts, specialist on structural steel construction.

Thus are "the best minds" of the country being placed at the service of all the people.

⁂

City Planning in Canton, China.—The mayor of Canton, China, has written to the mayor of San Francisco asking for information concerning all the features of modern city planning. The letter is of such unusual interest that it is reprinted here in the hope that the request for information from the western world may bring to the mayor of Canton expert advice concerning general principles of city planning. The planning or re-planning of a city, like the planning of a house, should be adapted to the daily life of the people who live there. If the population of Canton, China, were removed bodily to the city of Detroit, Michigan, a city of about equal size, many difficulties would undoubtedly develop. For example, the movement of pedestrian and vehicular traffic in China might demand an arrangement quite different from that of the western world. The opportunity for blending the best of the eastern and western science of city planning seems to be at hand.

The letter of the mayor of Canton follows:

> In consequence of the recent demolition of our old city wall, the Canton municipality, an administration just lately established, has as its major functions the remodeling of the city of Canton along modern lines.
>
> We realize that the experiences of city building that have been acquired by the more advanced cities of Western countries would give us invaluable hints in our present stage of municipal development.
>
> Hence, it is the earnest desire of this municipality to profit by such an advantage.
>
> I, therefore, beg to request your kindness to lend us a helping hand by furnishing this office a map of your city, together with such other publications or illustrations concerning or showing your schemes of street planning, drainage, sewerage, playgrounds, civic center, water supply, bridges, water front, electric light, street illumination and tramway system, etc.
>
> I earnestly hope that our request may be favored, and thanking you in anticipation,
>
> I have the honor to be, Sir,
>
> Yours respectfully,
>
> (Signed) SUN FO,
>
> *Mayor.*

HARLEAN JAMES.

THE LAW OF ZONING

By

HERBERT S. SWAN

Zoning Consultant; Executive Secretary, Zoning Committee, New York

A review of the constitutionality of zoning regulations which control buildings in accordance with a general plan of municipal development

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THE LAW OF ZONING

Zoning is an exercise, not of the power of eminent domain, but of the police power. When property is taken under the power of eminent domain, compensation must be paid the owner if damage can be shown. No compensation is paid for property taken, or for limitations imposed upon the use of property, under the police power.

I. EMINENT DOMAIN VS. THE POLICE POWER IN ZONING

It is theoretically conceivable that a comprehensive plan of building control might be entered into by resort to the power of eminent domain, but practically such a solution is absolutely impossible. The expense and labor involved in assessing the benefits conferred upon, or the damages suffered by, every lot in the community make such a proceeding unthinkable. If compensation were to be paid every one who felt himself injured, a premium would obviously be placed upon the employment of obstructive methods and the filing of specious claims. Endless litigation would undoubtedly result from any zoning attempted in this manner. If the damages were to be paid, not through the assessment of benefits, but either through increased taxation or through the issuance of bonds, the municipal finances would be strained to the breaking point.

But even assuming that the imposition of protective building regulations were legally and financially possible through the initiation of proceedings condemning such rights in every parcel of real estate within the municipality as the scheme required, the result to the community would be of such questionable value as to make the adoption of a plan of doubtful expediency. Every town, if it is not growing, is at least changing. If a town were once zoned by eminent domain, it would forever after have its future fixed by an inflexible mould preventing all change. Zoning, far from being a method of ossifying a town, is advocated and favored on the ground that it will give direction and plan to a town's growth. When conditions change, the zoning regulations must be changed, so that the building plan of the town shall always be adapted to the city's needs, keeping fully abreast of science and invention as well as the changing habits of the people. This kind of zoning is impossible by eminent domain. It can be obtained only through the exercise of the police power.

II. SCOPE OF THE POLICE POWER

How broad a scope has the police power? The police power, of course, extends to the public health, morals and safety. But the power of the state by appropriate legislation to provide for the public convenience, stands upon the same ground precisely as its power by appropriate legislation to protect the public health, the public morals, or the public safety. The United States supreme court has held that the police power of a state embraces regulations designed to promote the public convenience or the general prosperity, as well as those to promote public health, morals or safety; it is not confined to the suppression of what is offensive, disorderly or unsanitary, but extends to what is for the greatest welfare of the state.

A still more extensive scope was given to the police power in *Noble State*

Bank v. Haskell (31 Sup. Ct., 186; 1911). In this case the court stated:

> It may be said in a general way that the police power extends to all the great public needs. It may be put forth in aid of what is sanctioned by usage, or held by the prevailing morality or strong and preponderant opinion to be greatly and immediately necessary to the public welfare.

The fourteenth amendment to the constitution does not curtail the police power of the states when properly exercised. It was not designed to interfere with the police power of the state "to prescribe regulations, to promote the health, peace, morals, education and good order of the people, and to legislate so as to increase the industries of the state, develop its resources and add to its wealth and prosperity."

In delivering the opinion of the court in the case of *Eubank v. Richmond*, Justice McKenna made the following observations regarding the extent and scope of the police power:

> That power (the police power) we have defined as far as it is capable of being defined by general words, a number of times. It is not susceptible of circumstantial precision. It extends, we have said, not only to regulations which promote the public health, morals and safety, but to those which promote the public convenience or the general prosperity. But necessarily it has limits and must stop when it encounters the prohibitions of the constitution. A clash will not, however, be lightly inferred. Governmental power must be flexible and adaptive. Exigencies arise, or even conditions less peremptory, which may call for or suggest legislation, and it may be a struggle in judgment to decide whether it must yield to the higher considerations expressed and determined by the provisions of the constitution.

Zoning is designed to promote not only the public health, morals and safety, but also the public convenience and general prosperity of the community. If the police powers extended only to the public health, morals and safety, it might be difficult in certain instances to show conclusively that every detail of a zoning scheme came within a competent exercise of the police power. But with the scope of the police power so extended as to include the promotion of the public comfort and convenience, the addition of wealth and prosperity to the state, the increase of its industry, and the development of its resources, it is hoped that even minor features of it can be shown to be a legitimate exercise of the police power.

Although the United States supreme court refrains from any attempt to define with exact precision the limits of the police power, its disposition is, nevertheless, to favor the validity of laws relating to matters completely within the territory of the state enacting them. It will interfere with local legislative authority, especially when its action is approved by the highest court of the state whose people are directly concerned, only when it is plain and palpable that it has no real or substantial relation to the public health, safety, morals or general welfare.[1]

III. DEVELOPING CHARACTER OF THE POLICE POWER

The development of the police power to cover new needs is a most interesting phase of our jurisprudence. The courts have been asked to pass upon the validity of each new exercise or extension of that power, with the result that today it is applied to situations to which a generation ago nobody would have thought of applying it. In this connection the remarks of Mr. Justice Kramer are of the greatest interest.[2]

> No one, today, I take it, would question the right of a municipality, under its police power, lawfully to limit to certain districts

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[1] *Cusack* v. *City of Chicago*, 37 Sup. Ct., 192 (1917).

[2] *State ex rel. Morris* v. *Osborn*, 18 Ohio Law Reporter 22 (1920).

slaughter houses, corrals, livery stables, laundries, carpet-beating establishments, etc. Not only would we consider that there was no question that this might lawfully be done, but we would consider that there never could have been any question that it could be done. Yet the books disclose that the validity of the laws so limiting these industries were attacked in the courts upon precisely the same grounds as are urged against the ordinance here in question. The law has not changed, but the application of the law has kept pace with changed conditions, conditions both material and of public thought. These conditions have so changed, since it was considered the right of the state to interfere with the use of private property, even to the extent of limiting its use as a slaughter-house, was debatable, that it is now held that regulations limiting the height of buildings, the material to be used in their construction, and all of the other minute limitations of building ordinances, fire district ordinances, etc., are too well established to be questioned.

The development in the application of the law, in this regard, has been in sympathy with the change which has taken place generally from the conception that the law should jealousy guard the right of the individual to use his property as he saw fit, subject only to the condition that he did not maintain a public nuisance thereon, to the conception that the state or community has a very definite interest in the use of private property, and that the use of such property may be very broadly limited in the interests of the community in general.

IV. CLASSIFICATION PERMISSIBLE UNDER THE POLICE POWER

In a properly drawn zoning ordinance there is no infringement of the constitutional guarantee of equality. It is true that the equal protection of the laws guaranteed by the constitution is one of the most important limitations upon what may be done under the police power. But this guarantee means that the government shall not impose particular burdens upon individuals to meet dangers for which they cannot in justice be held responsible. And that all legislative discriminations or classifications shall be justified by differences of status, act or occupation corresponding to the difference of legislative measure. Although the idea of equality excludes in principle both particular burdens and special privileges, it does, however, admit of reasonable classification. (Freund, Police Power, Sec. 611.)

The classification of a zoning scheme must either be based directly on the purposes for which the police power may be exercised, or it must be justified by differences in the injury inflicted on vested interests. To justify, for instance, the exclusion of future stores, and factories from residence districts while an occasional and out-of-place store or factory now located in such a district is allowed to remain unmolested, it must appear either that the new stores and factories, if constructed in residence districts, would be more prejudicial to the public health, safety or general welfare than the existing ones, or that while equally as prejudicial, the forcible expulsion of the latter would so seriously interfere with existing property rights as to render such a course of doubtful expediency.

In other words, there must be a fair relationship between the public good to be secured and the private injury suffered. The means adopted must be suitable to the end in view, impartial in its operation, and not unduly oppressive upon individuals. At the same time that it has a real and substantial relation to the purpose to be accomplished, it must not interfere with private rights beyond the necessities of the situation.

More stringent regulations for buildings in private house districts than in apartment house districts, are not justified on the ground that they are more important to the public health, safety or general welfare in the former than in the latter, but on the ground that if they were applied to the latter they would so seriously interfere with existing property values as to make them of doubtful expediency. The application of private house standards to apartment house neighborhoods would discriminate so sharply between the vacant and the improved land in such localities, as practically to confiscate a large part of their value. If apartment house standards were, on the other hand, applied to private house districts, they would be so lax as practically to be inoperative. Applying private house standards to private house districts and apartment house standards to apartment house districts obviates both of these difficulties and treats each type of development according to its own peculiar needs.

In the same manner an isolated building line established as it were, merely for the sake of widening a particular street, or for the purpose of enhancing the appearance and uniformity of the buildings upon it, would undoubtedly have to be established through condemnation. Such a building line would find no greater justification in the police power than a health order, for instance, requiring all children residing in flat roof houses or having red hair to be vaccinated for smallpox.

But a building line laid down as part of a comprehensive zoning scheme affecting every plot in the community rests on fundamentally different grounds. It does not affect a particular street, it affects all streets throughout the city similarly situated and developed in like manner. It does not require a given portion of the lot to be left open in front regardless of the lot depth, a requirement which would bear unequally upon owners having lots of different depths; it merely stipulates where part of the open space required in the case of every lot shall be provided, thus regulating the location of front yards in the same manner that it regulates the location of rear yards, side yards and other open spaces. Under a zoning plan the provision of a building line, in other words, does not increase the proportionate amount of open space with which each lot must be equipped for the area that must be left vacant is the same for all lots within a district—it simply prescribes where part of this open space must be located. Even if no building line were required by a zoning scheme the percentage of the lot area which would have to be left unencumbered by buildings, would be identically the same for structures of a given type.

In the past the freedom enjoyed by every owner to erect his building on the street line, has seriously prejudiced the highest residential development of many streets. There is probably nothing that enhances the attractiveness of a street with private homes more than an open strip of ground between the street line and the building line. Setting back the houses permits the maintenance of a front lawn with grass and trees; it promotes family privacy; it shuts out the dust and noise of the street; and it affords additional light and air. And yet in the absence of any obligation binding all the owners within a block to observe a minimum setback line, each owner has felt it necessary to build his house on the street line. His own self-protection has demanded this. If he did not erect his house on the sidewalk, his neighbors on either side might. Being pocketed between two buildings, his house, instead of facing a street, would really front upon an outer court. Countless owners trusting to the comity of their neighbors have had their values ruined by themselves observing the amenities of the district.

If we wish to preserve the front yards in our residence districts we cannot permit a situation to continue which rewards the despoiler and blackjacks the benefactor of a neighborhood.

V. INCIDENCE OF EXERCISE ON INDIVIDUAL OF NO CONSEQUENCE

Zoning is not designed to operate oppressively upon any owner or upon any group of owners. Each scheme is framed with the greatest consideration for property rights commensurate with the public welfare. But despite this fact certain owners will no doubt feel themselves aggrieved. This however, does not make the law any less valid so long as its provisions are not arbitrary. It is believed that the regulations adopted in any town may meet all the tests of constitutionality laid down by the United States supreme court. In *Barbier v. Connolly* (113 U. S., 27; 1885), the supreme court discussed the question as follows:

> Regulations for these purposes may press with more or less weight upon one than upon another, but they are designed, not to impose unequal or unnecessary restrictions upon any one, but to promote, with as little individual inconvenience as possible, the general good. Though in many respects necessarily special in their character, they do not furnish just ground of complaint if they operate alike upon all persons and property under the same circumstances and conditions. Class legislation, discriminating against some and favoring others, is prohibited; but legislation which, in carrying out a public purpose, is limited in its application, if within the sphere of its operation it affects alike all persons, similarly situated, is not within the (14th) amendment.

The attitude of the United States supreme court toward zoning was discussed in concise and clear language in sustaining the constitutionality of a zoning ordinance in Little Rock, Ark.[3]

> So long as the regulation in question is not shown to be clearly unreasonable and arbitrary, and operates uniformly upon all persons, similarly situated in the particular district, the district itself not appearing to have been arbitrarily selected, it cannot be judicially declared that there is a deprivation of property without due process of law, or denial of the equal protection of the law, within the meaning of the 14th amendment.

Instances may, of course, occur in any zoning ordinance where it will appear that some section or sections had better be placed in one zone than in another, but clearly this is not a matter for the court to determine. If the divisions made by the ordinance are well within the legislative discretion, then they are not to be held arbitrary or unreasonable by the court. The statement by Mr. Justice Kramer in sustaining the validity of the East Cleveland, Ohio, zoning ordinance, puts this point so well that it is difficult to improve upon it.

> In every such ordinance, where territorial classification is made, as in those establishing fire limits, the line is bound to permit to be done, on the property immediately adjacent to the line outside of the district, what is prohibited on that immediately adjacent within the district. If this constituted arbitrary discrimination, no territorial classification could be lawful. (*Supra.*)

The validity of zoning is, therefore, not to be tested by its effect upon any particular piece of property affected. The question is much bigger, for it involves the welfare and prosperity of the entire community.

VI. ÆSTHETICS BANNED FROM CONSIDERATION UNDER POLICE POWER

Aesthetic considerations as such, do not afford sufficient grounds for imposing limitations upon the use of property under the police power. And yet if the primary and substantive purpose of the proposed legislation is such as to justify the act under the police power considerations of taste and beauty may enter in as auxiliary. (*Welch v. Swasey*, 193 Mass. 375.) It is only in an incidental way that in carrying out that cardinal object, regard may be given to considerations bearing upon municipal adornment or embellishment. In so far as zoning is concerned, the enhancement of attractiveness of the town may be considered only when the dominant aim in respect to laying out the districts has primary regard to other factors lawfully within the scope of the police power; and then it cannot be considered as the main purpose to be attained, but only as subservient to another or other main ends recognized as sufficient under the general principles governing the exercise of the police power. (Opinion of the Justices, Mass., 127 N. E. R. 525; 1920.)

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[3] *Reinman* v. *Little Rock*, 35 Sup. Ct. 511 (1914).

VII. LEGISLATURE SOLE JUDGE AS TO PROPRIETY OF LEGISLATION

In determining whether the provisions of an ordinance bring it within a purview of the police power, it is not necessary for the court to find that facts exist which justify its enactment. If a state of facts can reasonably be presumed to exist which would justify the legislation, the court must presume that it did exist and that the ordinance was passed for that reason. If no state of facts could exist to justify the ordinance, then it may be declared void because in excess of legislative power. Referring to this point the leading case of *Munn v. Illinois* (94 U. S., 113, 132) said:

> For our purposes we must assume that, if a state of facts could exist that would justify such legislation, it actually did exist when the statute now under consideration was passed. For us the question is one of power, not of expediency. If no state of circumstances could exist to justify such a statute, then we may declare this one void, because in excess of the legislative power of the state. But if it could, we must presume it did. In the propriety of legislative interference, within the scope of legislative power, the legislature is the exclusive judge.

A like view was expressed in *Tome Telephone Co.* v. *Los Angeles* (211 U. S., 265, 281).

> It is a well settled rule of constitutional exposition that if a statute may or may not be, according to circumstances, within the limits of legislative authority, the existence of the circumstances necessary to support it must be presumed.

The same thought was also expressed by the court in *Jacobson* v. *Massachusetts* (197 U. S., 11, 35).

VIII. PIECEMEAL VS. COMPREHENSIVE ZONING

A piecemeal zoning ordinance applying to only certain parts of a town might very well be adjudged unreasonable, arbitrary and discriminatory, in that other sections of the town situated to all intents and purposes in exactly the same manner as those affected by the regulations, were left absolutely untouched. It might plausibly even be condemned on the ground that it restricted certain owners to benefit other owners. But where a comprehensive, town-wide building plan is adopted, embracing all the land within the town limits and treating each section according to its own peculiar needs, present and prospective, the land assigned to each of the different districts will be bound to benefit by the regulations, the land designated for business and industry no less than the land placed in the residential classification, for each will have been zoned for its highest and most valuable use. A comprehensive zoning ordinance, unlike a piecemeal one, preserves the equality of classification in that all the different neighborhoods similarly situated and of like character are treated in a like manner. There is, moreover, no denial of equal protection of the laws because all property within a designated district is treated alike and stands on identically the same footing. (Opinion of the Justices, Mass., 127 N. E. R. 525, 1920.)

The purpose of a zoning law is to protect all classes of buildings—residential buildings, business buildings, factory buildings—so that each class shall enjoy the maximum freedom and opportunity for development within its own sphere. The obligations imposed upon each class, when it encroaches upon the territory outside its sphere, are only such as are essential to assure other classes of a like freedom and development within their respective spheres. Preferential rights give rise to reciprocal responsibilities but the sole purpose of the responsibilities imposed upon each particular class of buildings under the law, is to guarantee the rights and make permanent the protection enjoyed by all classes.

In his dissenting opinion in the case of *State ex rel Lachtman* v. *Houghton* (158 N. W., 1017; 1916), Mr. Justice Hallan brought out this idea very forcibly.

> It is said this relator has a vested right guaranteed him by the constitution to damage his neighbors' homes by devoting his lot to a use incongruous with the use of property in the vicinity, and that no power can stop him, for to stop this damage would be to take his property without due process of law. If it be said that the owner of a lot in a district of homes has the vested right to use it as he sees fit, notwithstanding the damage to his neighbor, then what of the right of his neighbor whose property value he destroys. Has the one a vested right to destroy and the other no right at all to be protected? In my judgment this slaughter of property value is something the legislature has power to prevent. Courts have exercised the power to abate what they have denominated nuisances at common law. This grocery store was not a nuisance at common law. But it does not follow that the legislature may not regulate the location of business structures that were not nuisances at common law. It may do so.

Mr. Justice Kramer also very emphatically endorsed this view in his opinion in the case of *People ex rel Morris* v. *Osborn* (*supra*) sustaining the East Cleveland zoning ordinance excluding apartments from private house districts.

IX. ZONING REGULATIONS NO ENCUMBRANCE UPON REAL ESTATE

That the adoption of a zoning ordinance does not create an encumbrance upon real estate was definitely settled by the New York Court of Appeals in sustaining the validity of the zoning resolution in New York City.

This resolution affected every square foot of land in the five boroughs of the greater city. Three classes of use districts were established—residence districts, business districts, and unrestricted districts; five classes of area districts—The A, B, C, D, and E area districts, and five classes of height districts, the one, the one-and-a-quarter, the one-and-a-half, the two, and the two-and-one-half times height districts. The size of courts and yards, and the percentage of space that must be left open on every lot varied in each of the five area districts. The height of buildings was restricted in the different height districts. The maximum height allowed in each case being indicated by the numeral constituting the name of the district, the numeral in each case being a multiple of the street width in front of the premises.

The court of appeals, the highest court in New York, sustained this resolution as being a valid exercise of the police power July 7, 1920, in the case of *Lincoln Trust Co.* v. *Williams*

Building Corporation (229 N. Y. 313). The suit came before the appellate court as an appeal from a judgment of the appellate division; first department, reversing, two of the justices dissenting, a judgment of the special term directing specific performance of a contract for the purchase and sale of real estate. The land which the defendant contracted to purchase was in a one and one-half times height district, a B area district, and a residence use district.

This action was brought by a vendor against a vendee to procure a judgment directing specific performance of a contract for the purchase and sale of real estate in the city of New York. The contract was dated August 21, 1916. The purchase price was $50,000, $2,000 of which was paid at the time of the execution of the contract, $3,000 agreed to be paid on delivery of the deed, and the balance to be secured by mortgages. The answer alleged that the contract provided the property was to be conveyed "free from all encumbrances" except certain ones specified, and that it was, in fact, subject to an encumbrance by virtue of the building zone ordinance which justified defendant in refusing to accept the title. The plaintiff asked that defendant be required to perform specifically and defendant asked that the complaint be dismissed and plaintiff be required to return the amount paid. The reply put in issue the validity of such resolution.

The resolution referred to was passed July 25, 1916. The restrictions imposed were due to the zoning law. The defendant according to the findings, did not, when it entered into the contract, have actual knowledge of the existence of the resolution, but nevertheless, both parties were presumed to have such knowledge.

According to the plaintiff the case reduced itself to a perfect dilemma.

If the ordinance was a valid exercise of the police power not amounting to an encumbrance, it obviously furnished no defense as contributing an encumbrance.

If on the other hand, the ordinance, if held valid, would constitute a real encumbrance on the property, then it necessarily followed that the ordinance was unconstitutional and void, because it is impossible to create a valid encumbrance on real estate without compensation.

A valid statutory encumbrance on real estate created without compensation is a contradiction in terms. The legislature cannot encumber property without paying for it. It can impose police regulations on property without paying for it but such regulations are not encumbrances.

Faced by these facts the Court of Appeals in passing upon the case came out unanimously with an opinion squarely supporting the constitutionality of the New York zoning resolution.

> In a great metropolis like New York, in which the public health, welfare, convenience and common good are to be considered, I am of the opinion that the resolution was not an incumbrance, since it was a proper exercise of the police power. The exercise of such power, within constitutional limitations, depends largely upon the discretion and good judgment of the municipal authorities, with which the courts are reluctant to interfere.
>
> The resolution in question simply regulates the use of property in the districts affected. It does not discriminate between owners. It is applicable to all alike. Therefore the general and well-nigh universal rule should be applied, viz., that where a person agrees to purchase real estate, which, at the time, is restricted by laws or ordinances he will be deemed to have entered into the contract subject to the same. He cannot thereafter be heard to object to taking the title because of such restrictions. (*Bennett* v. *Buchan*, 76 N. Y. 386.)
>
> . . . . .
>
> I am of the opinion that the resolution in question is a valid one; that it does not constitute an

encumbrance upon the property which defendant agreed to purchase; and that it should be required to specifically perform the contract.

X. COMPREHENSIVE ZONING UPHELD IN MASSACHUSETTS

Prior to the adoption of the statute of 1920, enabling any city or town in the commonwealth to pass zoning regulations the legislature of Massachusetts in 1920 submitted a draft of the proposed act to the justices of the Supreme Judicial Court, with a request for an opinion as to its constitutionality.

Under this act buildings to be used for particular industries or trades can be either restricted to specified parts of a municipality and excluded from designated districts, or if situated in certain parts made subject to special regulations as to their construction or use; dwellings and apartments, too, can be either restricted to certain neighborhoods and excluded from others, or if situated in certain localities made comformable to special regulations in respect of their construction or use which are not applicable to such buildings in other parts of the municipality. Every city or town can be zoned for these purposes.

Under this act owners of vacant land in certain parts of a municipality might be utterly prohibited from erecting a building for any residential use whatever, and compelled to devote it exclusively to a designated industry. Other owners in other parts of the community might be required to hold their vacant land solely for residential purposes, being thus deprived of using it for commerce, trade or industry.

Though intimating that questions would doubtlessly arise under the proposed act which could not be foreseen and might prove perplexing, the justices perceived nothing in it contrary to either the state or the national constitution:

We are of the opinion that the proposed statute cannot be pronounced on its face contrary to any of the provisions of the Federal Constitution or its Amendments. The segregation of manufacturing, commercial and mercantile business of various kinds to particular localities, when exercised with reason, may be thought to bear a rational relation to the health and safety of the community. We do not think it can be said that circumstances do not exist in connection with the ordinary operation of such kinds of business which increase the risk of fire, and which render life less secure to those living in homes in close proximity. Health and security from injury of children and the old and feeble and otherwise less robust portion of the public, well may be thought to be promoted by requiring that dwelling houses be separated from the territory devoted to trade and industry, the suppression and prevention of disorder, the extinguishment of fires and the enforcement of regulations for street traffic, and other ordinances designed rightly to promote the general welfare, may be facilitated by the establishment of zones or districts for business as distinguished from residence. Conversely, the actual health and safety of the community may be aided by excluding from areas devoted to residence the confusion and danger of fire, contagion and disorder which in greater or less degree attach to the location of stores, shops and factories. Regular and efficient transportation of the breadwinners to and from places of labor may be expedited. Construction and repair of streets may be rendered easier and less expensive if heavy traffic is confined to specified streets by the business there carried on. It is easy to imagine ordinances enacted under the assumed authority of the proposed act which would exceed the constitutional limits of the police power and be an indefensible invasion of private rights. But it cannot be presumed in advance that municipalities will go outside their just powers and unwarrantably interfere with property. Cases of that sort must be dealt with, if and when they arise.

We answer that, in our opinion, the proposed act if enacted into law would be constitutional.

XI. EXCLUSION OF APARTMENTS FROM PRIVATE HOUSE DISTRICTS

In *State of Ohio ex rel Morris* v. *Osborn* (*supra*) the Court of Common Pleas of Cuyahoga County found the zoning ordinance of East Cleveland to be a valid exercise of the police power. On July 15, 1919, the city of East Cleveland passed an ordinance adopting a building zone plan, establishing and fixing the boundaries of building zones, and regulating the location, erection, use and maintenance of all buildings. By this ordinance the city was divided into four different classes of zones, zones "A", "B", "C", and "D" respectively as shown upon the building zone map which was a part of the ordinance. The territory in zone "A" was left unrestricted; that in zone "B" was restricted against manufacturing; that in zone "C" was restricted against manufacturing and business; and that in zone "D" was restricted against manufacturing, business and tenements.

Section 5 of the ordinance provided that—

> No building or buildings shall be hereafter located, erected, used or maintained in Zone "D" as a tenement building, place of business, or manufacturing plant, intending hereby to restrict Zone "D" for use as single and double residence property only.

Prior to the adoption of the ordinance the relator acquired certain property and filed plans for eight apartments. The issuance of a permit for the erection of these apartments was first held up by the building inspector until after the passage of the zoning ordinance and then it was refused on the ground that the property in question was situated in Zone "D" where apartments were prohibited by the terms of the ordinance. The relator maintained that the ordinance was designed to prevent the erection of apartments on his land.

The action instituted was a mandamus to compel the building inspector to issue the necessary permit on the ground that the zoning ordinance was void in that it worked a taking of property without compensation, and without due process of law, and that it denied equal protection of the laws and that it violated the constitutions of Ohio and the United States. The defendant's answer was that the ordinance was a valid exercise of the police power.

The claim that the ordinance constituted a taking of private property without due process of law, received scant courtesy from the court in sustaining the ordinance. Said the court:

> It has been held so frequently and so uniformly that the state may, in the lawful exercise of its police power, impose restrictions upon the use of private property, and that such restrictions do not constitute a "taking" of property within the inhibition of the 14th Amendment of the Constitution of the United States, that that question seems no longer open to discussion.

The ordinance according to the court could be invalid only (1) if it did not come within the purview of the police power of promoting the health, morals and peace and welfare of the community, or (2) if it were unreasonable, arbitrary, discriminatory, and not uniform in operation.

In sustaining the ordinance, Mr. Justice Kramer said in part:

> As a matter of common knowledge, of which the court may take judicial notice (16 Cyc., 582) it (the apartment house) shuts off the light and air from its neighbors, it invades their privacy, it spreads smoke and soot throughout the neighborhood. The noise of constant deliveries is almost continuous. The fire hazard is recognized to be increased. The number of people passing in and out, render immoral practices therein more difficult of detection and suppression. The light, air and ventilation are necessarily limited, from the nature of its construction. The danger of the spread of infectious disease is undoubtedly increased, however little, where a number of families use a common hallway, and common and rear stairways.
>
> . . . . .
>
> With the growth of its population, it appears to be practically certain that unless restricted,

the greater part of East Cleveland will be built up with apartments, and the home owners must choose either to adopt apartment life or abandon their depreciated property, and move out of the city or into its more remote parts.

If the claim of the relator here is sound, a city of private homes, grass plots, trees and open spaces, with the civic pride and quality of citizenship which is usually found in such circumstances, is powerless to protect itself against the obliteration of its private residence districts, by apartments, which shut out the sun and sky from its streets, and one another, and are generally owned by those whose greatest interest is in the revenue that the building will produce. If such is the law, it must be conceded that it is unfortunate.

. . . . .

It seems eminently fair to restrict the apartment builder to a limited area, where his use of his property will do the least damage to others, and to the community. The necessities or conveniences of those who live in them will be served thus with the least sacrifice of the necessities and convenience of others. Whatever of the burden arising from apartments there are, will be borne by those whose purposes they serve, and not shifted to the other property owners of the town, to make their property unfit for use as a home.

XII. LIMITATIONS ON THE HEIGHT OF BUILDINGS

In *Attorney General* v. *Williams* (174 Mass., 476, 55 N. E., 77, 47 R. A., 314; 1899), the Supreme Judicial Court of Massachusetts stated that the control of the heights of buildings about Copley Square, under the power of eminent domain might, in fact, have been sustained under the police power. This particular act limited the height of buildings to ninety feet on three sides and to one hundred feet on the fourth side of the square. The court in part expressed its opinion as follows:

Regulations in regard to the height and mode of construction of buildings in cities are often made by legislative enactments, in the exercise of the police power, for the safety, comfort and convenience of the people, and for the benefit of property owners generally. The right to make such regulations is too well established to be questioned (citing cases). In view of the kind of buildings erected on streets about Copley Square, and the uses to which some of these buildings are put, it would be hard to say that this statute might not have been passed in the exercise of the police power, as other statutes, regulating the erection of buildings in cities are commonly passed.

In *Welch* v. *Swasey* (193 Mass., 364) the Massachusetts Supreme Judicial Court declared the following substantive propositions:

(1) That the state may, in the exercise of the police power, limit the height of buildings to be erected in cities when, in its judgment, the public health or public safety so require;

(2) That the legislature, in regulating the height of buildings in a city, may permit them to be higher in the sections where there is a call for office space than in the residential portions, although the streets in the former may be narrower than in the latter;

(3) That the legislature may delegate to a commission the power to determine the boundaries or the section of a city in which the buildings of different heights, as determined by the legislature shall be erected;

(4) That, where matters of local self-government may be entrusted to the inhabitants of towns, the legislature may delegate to a commission to be appointed by it the determination of the heights of buildings, to be erected in different places within the city, where the statute provides for a general limitation upon the height to which buildings can be erected; and

(5) That the prohibition against the erection of a building of a greater height than 80 feet in the residential portion of the city, unless the width of the street shall be at least one-half its height, is not so unreasonable as to make the regulations invalid.

The act questioned in this case divided the city of Boston into two districts—District A and District B. In District A, the business section of the city, buildings were limited to a height of one hundred and twenty-five feet; in District B, the residential section of the city, to a height of eighty feet, except on streets more than sixty-four feet wide. On such streets a building might be erected to a height equal to one and one-fourth times the width of the street, subject to the condition that it could not exceed eighty feet unless its width on each and every abutting public street was at least half of its height. In neither District A nor District B, however, could a building be erected to a greater height than two and one-half times the width of the widest abutting street.

The two principal questions presented to the court for determination in this case were: First, can the legislature in the exercise of the police power, limit the height of buildings in cities so that none can be erected above a prescribed number of feet; and second, can it classify parts of a city so that in some parts one height is prescribed and in another a different height?

The Court answered both of these questions in the affirmative. In regard to the first, it said:

> The erection of very high buildings in cities, especially upon narrow streets, may be carried so far as materially to exclude sunshine, light and air, and thus to affect the public health. It may also increase the danger to persons and property from fire, and be a subject for legislation on that ground.
>
> These are proper subjects for consideration in determination whether, in a given case, rights or property in the use of land should be interfered with for the public good. In *Atty Gen.* v. *Williams* (Knowlton v. Williams), 174 Mass., 476, 47 L. R. A., 314, 55 N. E. 77, this Court said: "Regulations in regard to the height and mode of construction of buildings in cities are often made by legislative enactments, in the exercise of the police power, for the safety, comfort, and convenience of the people and for the benefit of property owners generally. The right to make such regulations is too well established to be questioned."
>
> The next question is whether the general court may establish different heights for different neighborhoods, according to their conditions and the uses to which the property in them is put. . . . The value of land and the demand for space in those parts of Boston where the greater part of the buildings are used for purposes of business or commerce is such as to call for buildings of greater height than are needed in those parts of the city where the greater part of the buildings are used for residential purposes. It was therefore reasonable to provide in the statute, that buildings might be erected to a greater height in the former parts of the city than in the latter, even if some of the streets in the former are narrower than those in the latter. . . . Such restrictions in this country are of very recent origin and they are still uncommon. Unless they place the limited height at an extreme point, beyond which hardly anyone would ever wish to go, they should be imposed only in reference to the uses for which the real estate probably will be needed, and the manner in which the land is laid out, and the nature of the approaches to it.

The Court of Appeals of Maryland, held in *Cochran* v. *Preston* (108 Md., 220; 1908), that the right to make reasonable regulations concerning the height of buildings in a city is within the police power of the state. The act in this case (St. 1904, Ch. 42), prohibited the erection of any building except churches, on the square about Washington Monument, to exceed in height 70 feet above the surface of the street at the base of the monument. The Washington Monument stands in the center of this area, and about it are grouped the Peabody Library and Art Gallery, several statues in open squares, and private residences containing valuable works of art. The court held that the object of the act was not merely to preserve the architectural beauty of the locality, but was also to avoid the increased danger which the great fire that devastated a large part of Baltimore shortly before the passage of the act showed to arise from tall buildings in the event of a general conflagration. Since the object of the act was to promote the public welfare and the means prescribed were appropriate thereto, the statute was valid and did not constitute a denial of the equal protection of the law.

It was no objection to the act that the owners of land below the point designated for the measurement of the height limit might build higher structures than the owners of the land above them, the ground at that point being hilly, as the danger from fire is greater in one case than in the other. The fact that churches were exempt from the act was no objection, since there is not the same necessity for regulating the height of churches as of other buildings.

In upholding the constitutionality of the Boston height limitations the United States Supreme Court through Mr. Justice Peckham, used in part the following language (214 U. S. 91–1909):

> It might well be supposed that taller buildings in the commercial section of the city might be less dangerous in case of fire than in the residential portion. The Court is not familiar with the actual facts, but it may be that in this limited commercial area the height of the buildings are generally of fireproof construction; that the fire engines are more numerous and much closer together than in the residential portion, and that an unlimited supply of salt water can be more readily introduced from the harbor into the pipes, and that few women or children are found there in the daytime and very few people sleep there at night. And there may, in the residential part be more wooden buildings, the fire apparatus may be more widely scattered and so situated that it would be more difficult to obtain the necessary amount of water, as the residence quarters are more remote from the waterfront, that many women and children spend the day in that section, and the opinion is not strained that an undiscovered fire at night might cause great loss of life in a very high apartment house in that district. These are matters which it must be presumed were known to the legislature and whether or not such were the facts was a question among others, for the legislature to determine. They are asserted as facts in the brief of the counsel for the City of Boston. If they are, it would seem that ample justification is therein found for the passage of the statutes, and that the plaintiff-in-error is not entitled to compensation for the reasonable interference with his property rights by the statutes. That in addition to these sufficient facts, consideration of an aesthetic nature also entered into the reasons for their passage, would not invalidate them. Under these circumstances there is no unreasonable interference with the rights of property of the plaintiff-in-error, nor do the statutes deprive him of the equal protection of the laws. The reasons contained in the opinion of the State Court are in our view sufficient to justify their enactment.

XIII ESTABLISHMENT OF BUILDING LINES

By an act of the General Assembly of Virginia, passed March 14, 1908, councils of cities and towns are authorized, among other things, "to make regulations concerning the building of houses in the city or town, and in their discretion—in particular districts or along particular streets, to prescribe and establish building lines, or to require property owners in certain localities or districts to leave a certain percentage of lots free from buildings, and to regulate the height of buildings." (Acts 1908, pp. 623, 624.) By virtue of this act, the city council of Richmond passed an ordinance "that whenever the owners of two-thirds of the property abutting on any street shall, in writing, request the committee on streets to establish a building line on the side of the square on which their property fronts, the said committee shall establish such line, so that the same shall not be less than five feet nor more than thirty feet from the street."

The validity of a building line regulation under the above ordinance came before the Supreme Court of Appeals of Virginia in *Eubank* v. *City of Richmond*, (110 Va., 749, 67 S. E., 376) decided March 10, 1910. In delivering the opinion of the court, Judge Whittle refers to the case of *Welch* v. *Swasey*, and concludes as follows:

> In the present case the statute is neither unreasonable nor unusual, and we are justified in concluding that it was passed by the legislature in good faith and in the interest of the health, safety, comfort or convenience of the public and for the benefit of the property owners, generally who are affected by its provisions, and that the enactment tends to accomplish all, or at least some, of these objects. The validity of such legislation is generally recognized and upheld.

The United States Supreme Court found the regulation unconstitutional, its finding being based on the fact that under the ordinance a building line must be established whenever two-thirds of the property owners abutting on any street shall petition the committee on streets to establish such a line. The court held that an important power of this kind cannot be vested in any number of property owners with power to use as they see fit, and presumably in their own interest and not in the interest of public comfort or convenience. Though the particular ordinance in question was held to be unconstitutional, the opinion of the state court and the general treatment of the case by the Supreme Court of the United States gives considerable ground for the hope that building line regulations properly based will be held constitutional. This is clearly the view of the matter taken by the city of Richmond, for, following the above decision by the Supreme Court of the United States, it passed another ordinance (April 22, 1913) prescribing the procedure by which building lines may be established in the discretion of the council in particular districts or along particular lines.

XIV ZONING BUILDINGS ACCORDING TO USE

A great number of laws and ordinances excluding business and industry from residence districts have been held to be a valid exercise of the police power.

In *ex parte Quong Wo*. (118 Pac., 714; 1911), the Supreme Court of California declared the ordinance dividing Los Angeles into residential and industrial districts constitutional. This ordinance, which was passed in 1909, subdivided the entire city, with the exception of two suburbs, into one residential and 25 industrial districts, the residential district comprising the whole districted territory exclusive of the areas within the several industrial districts. In addition to the industrial districts, there were 48 districts known as "residence exceptions" in the residential district that were exempt from the regulations applicable to the residential district and in which business was permitted subject to certain conditions. The industrial districts varied in size from a solitary lot to two square miles.

All kinds of business and manufacturing were unrestrained in the industrial districts. Only certain specified businesses were excluded from the residential district. The businesses not especially excluded were allowed in the residential district. All but the very lightest manufacturing was prohibited in the residential district. The less offensive business and manufacturing establishments excluded from the residential district could be carried on in the "residence exceptions." Frontage consents were necessary for the creation of new "residence exceptions."

On the passage of this ordinance, among other businesses, 110 Chinese and Japanese laundries found themselves in the residential district. The city immediately undertook to remove them to the industrial districts. Quong Wo, one of them, appealed to the Supreme Court for protection.

The court in upholding the ordinance

stated that it could not take judicial notice that there had been unjust discrimination in excepting small parcels from the residential district of the city as established by ordinance and adding them to the industrial district; the presumption being in favor of the legality of the action of the legislative body. That small parcels, consisting of one city lot, were excepted by the council from the residence district and added to the industrial district did not of itself show unjust discrimination.

The court, furthermore, held that lawful occupations, such as laundries, might be confined to certain limits in the city wherever such restrictions might reasonably be found necessary to protect the public health, morals and comfort. An ordinance prohibiting the maintenance of public laundries and workhouses in the residence district could not be said to be unreasonable and invalid in the absence of facts showing unjust discrimination, though large parts of the district might be sparsely settled. Whether restrictions upon the operation of a business in certain portions of a city are reasonably necessary for the protection of the public health, safety and welfare, the court held was a subject to be determined by the council. Such action would not be disturbed by the court unless the regulations had no relations to the public health, safety or welfare, or unless they clearly invaded personal or property rights under the guise of police regulation.

In *ex parte Montgomery*, (125 Pac., 1070; 1912), the Supreme Court of California reaffirmed the constitutionality of the districting ordinance in Los Angeles.

The court also held that the right of the Legislature in exercising the police power to regulate, or, in proper cases, to prohibit the conduct of a given business, is not limited by the fact that the value of investments made in the business prior to any legislative action will be diminished. A business which, when established, is entirely unobjectionable, may by the growth of population in the vicinity become a source of danger to the health and comfort of those who have come to be occupants of the surrounding territory. If the legislature should then prohibit its further conduct, the proprietor can have no complaint upon the mere fact that he has been carrying on the trade in that locality for a long time. The power to regulate the use of property or the conduct of a business is, of course, not arbitrary. The restrictions must bear a reasonable relation to some legitimate purpose within the purview of the police power.

Where there are reasons justifying the prohibition of a business within an area described in an ordinance, the Court in determining the validity of the prohibition will not consider whether conditions in other parts of the city require a like prohibition, as that presents a legislative question.

The petitioner was not satisfied with this decision and appealed to the U. S. Supreme Court in the case of *Hadacheck* v. *Sebastian* (36 Sup. Ct., 143; 1915), with the result that the national tribunal upheld the decision of the state court at every point.

In *Reinman* v. *City of Little Rock* (237 U. S. 171; 1917) the ordinance passed upon by the Supreme Court of the United States prohibited livery stables in the business portion of Little Rock, Arkansas. The livery stable which the city sought to eject from this district had been established there many years. The owners of the livery stable had attempted to enjoin the city from enforcing the ordinance, carrying the matter up to the supreme court of the state, and, having lost there, appealed to the national tribunal. The plaintiff charged, among other things, that the ordinance was in contravention of those provisions of the 14th amendment respecting due process of law and the equal protection of the laws.

In the opinion of the Court there was no question that livery stables can be reasonably regulated with respect to their location and the manner in which they are to be conducted in a thickly populated city. Such subjects are well within the police power of the state so long as they are not shown to be clearly unreasonable or arbitrary, and provided they operate uniformly upon all persons similarly situated in particular districts, the districts themselves not appearing to be arbitrarily selected. Under these conditions the Court stated that it could not be judicially declared that there was a deprivation of property without due process of law, or a denial of the equal protection of the laws within the meaning of the 14th amendment. The ordinance was upheld.

In *Cusack* v. *City of Chicago* (108 N. E., 340; 1914) the Supreme Court of Illinois sustained the validity of an ordinance requiring frontage consents to the erection of billboards, in residence blocks, a residence block being defined as one in which half the buildings on both sides were used exclusively for residence purposes. The plaintiff alleged this ordinance to be invalid on the ground that it was discriminatory and unconstitutional, and that it deprived him of his property without due process of law.

The court held the ordinance a reasonable exercise of the police power as the evidence showed bill boards to be productive of fire, and that residence districts were not so well protected as business districts. Evidence showing that billboards afforded protection to disorderly and lawbreaking persons, and that residence blocks were not so well policed as business blocks was also admitted. In view of these facts the consent of a majority of the residence owners, according to frontage, was not held to be unreasonable.

The plaintiff appealed to the United States Supreme Court, claiming that the ordinance was not an exercise by the city of power to regulate or control the construction and maintenance of billboards, but was a delegation of legislative power to the owners of a majority of the frontage in the block "to subject the use to be made of their property by the minority owners of property in such block to the whims and caprices of their neighbors." The plaintiff relied chiefly on the decision of the Court in *Eubank* v. *Richmond*, (226 U. S., 137).

The Supreme Court in a decision handed down January 15, 1917 (see *Cusack* v. *City of Chicago*, 137 Sup. Ct., 192), found there was sufficient cause to justify the placing of billboards in a separate class from buildings and fences as well as to justify the prohibition of their erection in residence districts in the interest of the safety, morality, health and decency of the community.

The court distinguished the Eubank case and the one on trial as follows:

> The former left the establishment of the building line untouched until the lot owners should act, and then made the street committee the mere automatic register of that action and gave to it the effect of law. The ordinance in the case at bar absolutely prohibits the erection of any billboards in the blocks designated, but permits this prohibition to be modified with the consent of the persons who are to be most affected by such modification. The one ordinance permits two-thirds of the lot owners to impose restrictions upon the other property in the block, while the other permits one-half of the lot owners to remove a restriction from the other property owners. This is not a delegation of legislative power, but is, as we have seen, a fa-

miliar provision affecting the enforcement of laws and ordinances.

XV ZONING ORDINANCES SUSTAINED BY COURTS

How far the courts will go in upholding zoning as a proper exercise of the police power may probably be best summarized by an outline of what phases of the subject they have already upheld either in whole or in part:

1. Zoning buildings according to height.
   Attorney General v. *Williams,* 174 Mass., 476; 55 N. E. 77 (1899).
   Cochran v. *Preston,* 108 Md., 220; 70 Atl., 113 (1908).
   Welch v. *Swasey,* 193 Mass., 364; 79 N. E., 145 (1907); 214 U. S. 91 (1909).
2. Establishment of building lines.
   Eubank v. *City of Richmond,* 110 Va., 749, 67 S. T., 376 (1910); 214 U. S., 91, (1913).
3. Exclusion of factories and heavier trades from residence districts.
   Opinion of Justices, Mass. 127 N. E. R. 525 (1920).
   Lincoln Trust Co. v. *Williams Building Corp.* 169 N. Y. Supp. 1045; 183 App. Div. 225, 229 N. Y. 313 (1920).
   People ex rel. *Morris* v. *Osborn,* 718 Ohio Law Rep 22 (1920).
   Ex Parte Montgomery, 163 Cal., 457, 125 Pas., 1070 (1912).
   Ex Parte Hadacheck, 165 Cal., 416, 132 Pas. 529 (1913).
   Hadacheck v. *Sebastian,* 239 U. S., 394 (1915).
   In the Matter of Application of Richard Russell, 158 N. Y. Supp., 162 (1916).
4. Exclusion of certain trades and industries from business districts.
   Reinman v. *Little Rock,* 107 Ark., 174, 237 U. S., 171 (1915).
   Opinion of the Justices, Mass. House Doc., 1920 No. 1774.
   People ex rel. *Morris* v. *Osborn* 18 Ohio Law Rep 22 (1920).
   Lincoln Trust Co. v. *Williams Building Corp.* 169 N. Y. Sup. 1045; 229 N. Y. 313 (1920) 183 App. Div. 225.
5. Exclusion of business from residence districts.
   Lincoln Trust Co. v. *Williams Buildings Corp.* (*supra*) 169 N. Y. Sup. 1045; 183 App. Div. 225, 229 N. Y. 313 (1920).
   Opinion of the Justices, Mass. House Doc., 127 N. E. R. 525 (1920).
   People ex rel. *Morris* v. *Osborn,* 18 Ohio Law Rep 22 (1920).
   Ex Parte Quong Wo 118 Pac. 714 (1911).
   Spann v. *City of Dallas,* 189 St. W. 999 (1916).
   City of Spokane v. *Camp,* 97 Pac. 770 (1908).
   City of Chicago v. *Stratton,* 162, 111, 494, 44 N. E. 853 (1896).
   People ex rel *Busching* v. *Ericsson* 263, 111, 368, 105 N. E. 315 (1914).
   People ex rel *Keller* v. *Village of Oak Park,* 107 N. E. 636 (1915).
   Cusack v. *City of Chicago* 267, 111, 344; 108 N. E. 340 (1914); 242 U. S. 526 (1917).
   Shea v. *City of Muncie,* 148 Ind. 14, 46 N. E. 138.
   Pierce Oil Corp. v. *Hope,* 248 N. S. 498.
6. Exclusion of apartments from private house districts.
   Opinion of Justices, Mass. 127 N. E. R. 525 (1920).
   People ex rel *Morris* v. *Osborn,* 18 Ohio Law Rep 22 (1920).
7. Retro-active regulations ejecting existing trades.
   Ex Parte Quong Wo, 118 Pac. 714 (1911).
   Ex Parte Montgomery, 163 Cal. 457, 125, Pac. 1070 (1912).
   Ex Parte Hadacheck, 165 Cal. 416, 132 Pac. 589, (1913).
   Hadacheck v. *Sebastian,* 239 U. S. 394, (1915).
   Reinman v. *Little Rock,* 107 Ark., 174, 237, U. S. 171 (1915).
8. Exclusion of particular classes of buildings within prescribed areas.
   McIntosh v. *Johnson,* 211 N. Y., 265-garage within 50 feet of school.
   Nahser v. *City of Chicago,* 271 Ill., 288 moving picture within 200 feet of school.
   City of Spokane v. *Camp,* 97 Pac. 770 (1908) Stable within 200 feet of residence.

The decisions of the United States and California Supreme Court sustaining the zoning ordinance establishing residential and industrial districts in Los Angeles; of the United States and Arkansas Supreme Courts upholding the zoning regulations as to the use of buildings in Little Rock, of the United States and Massachusetts Supreme Courts supporting the zoning regulations of Boston limiting the height of buildings; of the United States and Illinois Supreme Courts finding the Chicago ordinance zoning billboards entirely out of residence districts reasonable; of the United States and Virginia supreme courts declaring the building lines established by Richmond valid; of the highest court in Maryland approving of the height of building regulations adopted by Baltimore; of the Court of Appeals in New York finding nothing unconstitutional in the comprehensive zoning ordinance passed by New York city limiting the height and bulk of buildings, regulating the size of courts and yards, restricting the percentage of lot area that might be occupied by buildings and controlling the location of trades and industries; the opinion of the justices of the Supreme Judicial Court of Massachusetts certifying as to the legality of zoning, not only as to the restriction of all trades and industries in residence districts but as to the location of dwellings and apartments permitting apartments to be excluded from private house districts and both dwellings and apartment houses from industrial districts; of the Supreme Court in Texas ratifying the exclusion of stores in residence districts; of the Court of Common Pleas in Ohio twice sanctioning the zoning ordinance of East Cleveland which not only excludes all business and manufacturing from residence districts but actually prohibits apartments in single family dwelling districts; and innumerable decisions on various phases of zoning and building control which are growing more numerous every day, furnish increasing evidence of the fact that zoning, when properly carried out, is a valid exercise of the police power. The fact that some of these opinions have even sustained retroactive regulations emphasizes the length to which the courts will go in upholding this kind of legislation.

Care must, however, be exercised in drafting zoning regulations, for each locality so that they fit local conditions, that they are not arbitrary or discriminatory, and that they do not fall within the ban of class legislation. Above all, reasonableness must be the test of both the classification and the districts established. Whether the legality of any particular zoning scheme will be sustained, seems to depend more upon the carefulness and fairness put into the preparation of the regulations than upon any lack in the forward-looking attitude of the courts.

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VIEWS AND REVIEWS

The League's Committee on Electoral Reform has completed a report on a model election system which will be published shortly.

⁂

The Committee on Sources of Revenue has a report ready for publication on the administration of special assessments.

⁂

The report of the Committee on Civil Service and Public Pensions is practically complete. It describes the weaknesses of many existing pension schemes and outlines the fundamentals of a sound system.

⁂

Franklin N. Brewer has resigned as chairman of our committee on county government, and R. S. Childs has been appointed to succeed him. The committee, acting on a request from a member of the legislature of Louisiana, prepared an outline of optional plans of county government to be used as a basis for the optional county charter laws provided for by the new constitution of that state.

⁂

The Independent Voters' Association of North Dakota, which is behind the recall election of the Non-partisan League state officials, proposes the abolition of party lines in the nomination and election of state officials. If they succeed in initiating and passing such a measure, the experiment will be well worth watching. Reports are that the Democrats, who are usually the minority party, favor the innovation, but the Republicans oppose it.

⁂

The city charter of Minneapolis is ten times as long as the United States constitution and twice as long as the constitution of Minnesota, according to the bureau of municipal research of that city.

⁂

The proposal for a constitutional convention was rejected by the people of Pennsylvania at the September election by a large majority. It is understood that the bosses of all political factions sent out word in advance to slaughter the proposition.

⁂

The new Kalamazoo charter drafted to replace the present city-manager form was decisively defeated at the polls in a light vote on October 4. This means that manager government will be retained, the October vote being in fact a reversal of the earlier decision.

⁂

Dayton will not vote this year on the repeal of the city-manager charter. The petition praying for an election on the matter was thrown out by the supreme court of Ohio. Many friends of city-manager government in Dayton regret that the election could not be held, since they were confident that the plan would have been sustained and its professional opponents relegated to oblivion.

✣

One of those little mottoes it used to be our duty to learn each day in public school had something to say about the good being a strong enemy of the best; and it seems to have worked out in Portland, Maine, in the recent charter election. On that occasion the old charter providing for a mayor, board of aldermen and common council won over the city-manager form by 101 votes. Along with these a third plan was submitted which retained the old mayor but abolished the two chamber council. Enough people were satisfied with moderate progress to vote for this plan. It is a fair assumption if the third plan had not been present to complicate matters many of these votes would have been thrown against the old form in favor of the city-manager plan.

✣

The Cleveland city-manager campaign will be decided on November 8. President W. G. Lee of the Brotherhood of Railway Trainmen has this to say:

> I have personally investigated how the city-manager plan has worked out in Dayton, Ohio. I have asked railroad men about it. I don't see how any workingman can oppose the plan after investigating it. I see nothing undemocratic in having the city manager selected by the councilmen, or commissioners. He doesn't pass any laws. He doesn't determine any public policies. I'm for the city-manager plan because it makes possible the elimination of politics from public business, and that means better government and lower taxes. I should like to see Cleveland adopt the city-manager plan.

✣

A petition has been filed in the federal court by a Detroit bank requesting that Winston County, Alabama, officials be compelled to levy and collect a special tax for the purpose of paying the interest on certain county bonds owned by that bank and for providing a sinking fund for the issue. The bank holds $26,500 of the county's bonds issued in 1901. It is claimed that interest is now overdue and that the county is not putting aside a sufficient annual sum to be used as a sinking fund.

Credit is an infinitely sensitive thing and all Alabama cities and counties will feel the effects of one county's defalcation. The League's model municipal bond law will soon be published. Its adoption will make situations like the above extremely difficult.

✣

The Complexities of Housing

Housing, like health, is dependent upon a great number of elements. A dislocation in any element may cause insufficient or inadequate housing just as a toothache may cause pain which absorbs the entire attention of the patient and to all intents and purposes nullifies the orderly functioning of the numerous organs of the human body. The present housing situation is, apparently, caused by the dislocation of the numerous elements which contribute to the production of homes at a price within the means of the families to occupy them. Neither the adjustment of credit, nor the reduction in prices of building materials, nor the decrease in cost of labor will alone stimulate the building of houses. Even if all three of these elements were to be adjusted we might not have houses conforming to the standards which the American people are increasingly being educated to demand.

All of these phases of the housing situation will be discussed in Chicago during Civic Revival Week, November 13–17. One whole session will be devoted to economies in the productions of small houses—economies in land layout and utilities, economies in plan and construction, economies based on scientific tests of building materials, economies based on revision of building codes, economies which result from knowledge which may be secured from Uncle Sam, economies which are dependent upon community action.

So complex a problem as housing may be solved only by careful, consecutive attention to an infinite number of details. No person interested in housing can afford to remain away from the Chicago meetings scheduled for the third week in November.

H. J.

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To Kill the Merit System

A well-organized movement is under way to kill the merit system. It is none the less dangerous, because its sponsors are honestly seeking to aid the courageous veterans of the late war. The New York constitution has a stiff section in favor of the merit system, and a constitutional amendment is necessary before any material preference can be extended ex-service men. So the people of the state will vote November 8, on an amendment which gives any honorably discharged sailor or soldier who enlisted from that state, and who can meet the examination with a mere passing grade, absolute preference over all others no matter what his place may be on the appointment or promotion lists. If this passes the result will be practically to exclude women from the civil service and to turn it over for a generation to a military group. To the state and the municipalities thereof, the passage of this amendment will be a calamity.

The Veterans of Foreign Wars, recently in session in Detroit, passed a resolution demanding similar absolute preference for all ex-service men in every state and in the federal government. They forget for the moment the implications of their resolution, the force of which is to present men with places which they are not qualified to fill. Aside from prostituting the civil service, such preference tends to break down a man's self respect. It puts him in the position of a receiver of alms, which, to men who are fit to serve the county, must be extremely distasteful.

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The Partisan Ballot, The Smoke Screen of Municipal Politics

When we told Mr. John P. Logan, city clerk and treasurer of Bloemfontain, South Africa (who visited this country recently to study our municipal administration), that most of our city elections were conducted along the same party lines as our national elections and vastly complicated thereby, his expression of surprise was vigorous enough to be embarrassing. Being patriotic, we tried to explain the peculiar American conditions which gave rise to this remarkable situation, but made a bad mess of it. And then we began to wonder why Americans stood for it, with all the confusion and evasion of issues and the exploitation of prejudice which it involves.

At this writing the independent Democrats and the Republicans of New York City are trying to unite to defeat the Tammany mayor who wants to be re-elected. The fusion candidate had to win nomination in the Republican primary and will go on the ballot as a Republican candidate. It is hoped that enough of other parties will be able to overcome their antipathy to the Republican emblem to elect him. But there will be thousands who will vote the Tammany ticket, not because they favor the organization, but because they have been trained to be Democrats.

We clip the following from a New York newspaper. We think it proves our point.

In his Brooklyn address on Thursday, Mr. Curran asked, with an innocent air, why it would not be a good thing, in a city election, to talk about the city. The allusion was obvious to campaigners who want to be elected in New York for the sake of the effect on Washington or Albany. There are some citizens who wish to vote in our municipal election for the sole purpose of "rebuking" President Harding for what he has not done for the Irish Republic, or for what he has done to the German Republic. Others are hot to cast a ballot for mayor aimed at the state legislature or Governor Miller.

One thing the non-partisan ballot does for municipal elections; it concentrates attention on local issues. Candidates can't send up the smoke screen of state or national politics.

*

The Chapel Hill Conference

You missed something if you failed to attend the town and county conference at the University of North Carolina the last of September, and in which the League co-operated. It was a regional conference. Matters of general interest were discussed from a local viewpoint. But the man from another state felt right at home, partly because of the mellow hospitality of the natives and partly because he recognized the troubles of North Carolina towns and counties as old acquaintances.

Those present came prepared to search deeply the soul of North Carolina and to act on the evidence disclosed. The state superintendent of public instruction, Dr. E. C. Brooks, unmercifully probed the financial method of the counties. The conditions he disclosed were nothing to make a Tar Heel feel proud. They do feel determined, however, and at the last session of the conference completed an organization designed for immediate action through education and legislation. They intend to modernize North Carolina county government.

Mr. Arthur N. Pierson, author of the New Jersey finance acts, made two talks and submitted to long cross examination. The cities are in trouble, and they are inclined to distrust their new, excellent finance act. Pierson's plea was, "Boys, don't let them repeal it." The only way out is through strict adherence to sound business practice.

We can expect progress from North Carolina. We shall be grievously disappointed if it is not forthcoming. Professor E. C. Branson has been the leading spirit through his North Carolina Study Club, organized to study the home state. The club has turned out some excellent reports on local conditions. A weekly news-letter goes to more than 20,000 addresses. The new School of Public Welfare, under Professor H. W. Odum, will attend to the social problems of the towns and counties. There is a fine spirit of co-operation between the University and the public officials throughout the state.

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A SUGGESTED ECONOMY FOR CONGRESS

BY CHARLES A. BEARD

If congress would only laugh, the reform would be accomplished at once. This being hopeless and taxes being high, why not try scientific management as here proposed? :: :: :: ::

THERE are two grave faults in American politics. The first is the absence of laughter and the second is the dearth of thought. Much of the fuss, futility, and waste of print paper in the *Congressional Record* comes from the almost total lack of humor in the august body that is presumed to make laws for this nation. If there were even a handful of members possessed of lively wit, could there be the almost interminable debates on "executive tyranny?" When by the grace of fortune a Democrat inhabits the White House, the Republican conscript fathers cry aloud, gnash their teeth, and threaten us all with the fate of imperial Rome if some stop is not made to executive encroachment on the prerogatives of congress. When the tables are reversed, and it is Mr. Harding instead of Mr. Wilson, then it is the conscript fathers on the Democratic side who tear passion to tatters in defense of legislative rights. How often, oh, how often is the dear old Constitution breached, the supreme law of the land violated, the blood-bought privileges of centuries trampled in the mire by the president—in the heated imagination of fermenting orators! Night calls unto day, and there is no surcease of talk about executive tyranny. And yet there is no laughter! Men who seem to be legally in possession of their faculties can listen for hours to such superb oratory and never crack a smile. Expert stenographers work like fury taking it all down. Lino operators work all night setting it into type. Vigilant pressmen work all day watching it stream from their machines in endless ribbons. And nobody laughs. If only once some rotund, impassive countenance were to relax in the midst of an impassioned burst of oratory about executive encroachment, slowly crinkle up into a raptuous smile, and then break out into a grand old raucous roar such as may be heard in a barbershop when somebody tells the latest one, then great economy and efficiency could be introduced in congressional debate.

But there is no reason to hope that this unseemly thing may happen. No first-rate humorist could be elected to congress, or, if elected, could rise far in party councils. The career of the brilliant, witty, and informed T. B Reed affords conclusive proof of the melancholy fact. He could tell a story, delicate and chaste enough for the *Ladies' Home Journal*, in a way that made even masculine audiences creak and groan with laughter, he could plow through tariff schedules with a nonchalance that spread hope and joy on every side, but he could not be nominated for president, or in the end dominate the congress in which he was reckoned a czar.

AN ECONOMICAL METHOD FOR CONGRESSIONAL SPEECHES

There is no hope for efficiency and economy through the introduction of laughter. Therefore, some other resource must be found. My constructive recommendation on this point is as follows: Inasmuch as the almost endless debates on executive encroachment occur with deadly regularity, elaborate provision may be made for them in advance. A skilled clerk to any one of the committees (even a distant cousin of the member who got him the job) could readily run through one hundred years of debates on this subject, tabulate the arguments, collate the exordiums and perorations, and otherwise extract the quintessence of the matter. Fifty speeches, each occupying fifty pages of the *Congressional Record*, could be compiled on each side of the momentous question: "Shall the President become a Czar?" These speeches could be numbered A 1, A 2, B 1, B 2, etc. Blank spaces could be left to insert the name of the president, the date of his offense, and the heinous character of his misdemeanor, etc., etc.

These speeches could then be printed and bound in limp leather (or oilcloth) according to the name of the party in power at the time. Each member of each house could have a copy in his pocket all the time. The schedule of topics should be preceded by a calendar of themes, so that the busy lawmaker could select his particular favorite at a glance.

A rule should then be provided to the effect that whenever the presiding officer of either house sees the rising tide of purple coming over the collar of an opposition member, he shall ask the floor leaders their pleasure in the crisis. If the matter were extremely important, a party caucus might be held and assignments made by the ranking member of the committee on ways and means in the house and of finance in the senate. If an election were pending it might be found desirable to have the canned speeches run into the *Record* for distribution to that portion of the population irreverently dubbed "yaps" and "boobs" by Mr. H. L. Mencken. If no election were pending, the presiding officer, as instructed by the floor leaders of the respective parties, could simply say to the official stenographers: "Here insert the words: 'Canned Oration, Schedule A 3 and Schedule B 6' in lieu of impromptu speeches on the subject in question." The instructions would, of course, vary on occasion, but at all events not more than three or four lines of type need be consumed in the process. The saving introduced by the simple device would be sufficient in the course of a century to fortify Guam against the Japanese, or pay for any other constructive work of similar character.

There are undoubtedly other subjects to which the same process could be applied, with equally gratifying results. Still, since the collapse of the Revolution in Russia, caution should be exercised against introducing too much reform suddenly and without adequate spiritual preparation. A very careful test should be made of one application before undertaking a radical *bouleversement*.

THE WRANGLE OVER PUBLIC UTILITIES IN ILLINOIS

BY GEORGE C. SIKES

ILLINOIS seems to be going around in circles in dealing with the subject of home rule in public utility regulation and in making provision for municipal ownership in Chicago.

The law creating the public utilities commission, as successor of the railroad and warehouse commission, was passed in 1913, when Edward F. Dunne was governor. Illinois needed legislation at that time for public utility regulation and Governor Dunne, who advocated such legislation and who also was supposed to be a strong advocate of home rule for cities, was expected to see that the home rule principle was not violated. The measure as drafted provided that any city by a referendum vote might itself be the regulating agency for local utilities. But this was stricken out in the legislature, and Governor Dunne was obliged to accept or reject the bill as passed. He was strongly urged to veto the measure because of the elimination of the home rule feature. He signed it, however, justifying his action on the ground that the legislature at its next session would be asked to put in the home rule feature.

During recent years the state utilities commission has been very unpopular, not only in Chicago, but throughout the state, because of its action in authorizing heavy rate increases for local utility services. Len Small, candidate of the Thompson-Lundin organization for governor, went into office pledged to repeal the utilities act and to restore home rule. The bill on the subject as offered with Governor Small's backing in the session of the legislature that came to an end late in June provided for the abolition of the state utilities commission and the creation in its place of the Illinois Commerce Commission. Critics of Governor Small said this bill did not abolish the commission, but merely changed its name. However, Governor Small's measure as introduced did contain substantially the home rule provisions of the bill as originally offered in the Dunne administration in 1913. Under these home rule provisions, any city of the state on a referendum vote might exercise as to strictly local utilities the powers of regulation conferred on the state commission. There was to be no appeal from the local regulating agency to the state commission, but there was to be the same right of appeal to the courts as would be the case if the orders had been given by the state commission. The referendum vote might be ordered by council ordinance, or by a petition signed by 5 per cent of the electorate.

The public utility interests and other opponents of home rule demonstrated more power in the legislature than could be mustered by the political group led by Governor Small and Mayor Thompson. The bill was passed, but it was badly emasculated. As it came out of the legislative hopper it provided that a referendum vote in any city on the question of adopting the home rule regulation feature could be taken only after the filing of a petition containing the names of 25 per cent of the electorate. In Chicago this would mean about 250,000 names. Moreover, an appeal is allowed from the local regulating agency to the state commission.

Some of the home rule advocates thought Governor Small ought to veto the bill as passed; but he signed it, expressing disappointment, and saying he thought the bill marked some improvement. Doubtless the greater spoils possibilities of the present act had its weight with Governor Small. The new law provides for seven commissioners instead of five, and permits the appointment of not to exceed eight assistant commissioners. A considerable number of employes are exempted from the operation of the state civil service law.

An important feature is the provision that hearings on local issues shall be held by a commissioner or an assistant commissioner in the communities affected, instead of in Springfield or Chicago, and that judicial appeals shall be to the courts in the county where the controversy arises, instead of in Sangamon County, where the capital of the state is located.

LEGISLATION AUTHORIZING MUNICIPAL OWNERSHIP FAILED OF PASSAGE

With reference to public ownership, the controversy in the legislature was over the plan of Mayor Thompson of Chicago for the creation of transportation districts, with separately elected boards of trustees to own and operate transportation systems. Chicago has long had the powers necessary for the acquisition, ownership and operation of local public utilities, except financial power. Of course, without financial power it can do nothing. One trouble with Mayor Thompson's transportation district plan is that it does not confer adequate financial powers, and under the present constitution cannot do so.

The Chicago district, if created, would have a borrowing power of only $80,000,000, with the possibility of doubling that sum by future legislation. The amount of money required for an adequate transportation system for Chicago, including surface and elevated lines and proposed subways, probably would be $300,000,000 or $400,000,000 at least. Another objection urged against the Thompson plan is that it would mean the creation of another governing agency, when the territory comprising Chicago and Cook County already has too many governments. Many municipal ownership advocates in Chicago think the proper procedure is to urge the modification of the state constitution so as to give Chicago borrowing power adequate for municipal ownership purposes and to authorize the city to operate lines outside its corporate limits.

Mayor Thompson and his supporters urged their plan, but seemingly without meeting the objections offered. At any rate the bill failed of passage in the legislature.

An important feature of the Thompson transportation district plan as urged in the campaign was that the rate of fare should be five cents. It was boldly proposed that the trustees be given direct authority in the enabling act to levy taxes to make up any deficit that might arise from furnishing service at a five-cent fare. This feature was so much criticised that doubtless it would have been eliminated in the legislature had there been a disposition to accept the plan otherwise. But for a combination of reasons the measure as a whole failed to receive favorable consideration.

TAMMANY VERSUS NEW YORK

BY ROBERT MOSES

Secretary to the Coalition Committee in the New York City Campaign

This article was written September 27, and tells how Democrats and Republicans have fused in a dramatic campaign to defeat The Tammany mayor up for re-election. :: :: :: :: ::

New York City election campaigns abound in dramatic settings, salient personalities and unexpected incidents. Usually these campaigns are of national significance and the chief actors are known everywhere. One need mention the names only of Seth Low, Henry George, William Randolph Hearst, William Jay Gaynor, and John Purroy Mitchel. Who has not heard of graft disclosures in Van Wyck's régime, McClellan's break with Tammany, Gaynor's letters, the death of Henry George on the very eve of an election, and of Gaynor shortly before another, Mitchel's fall from an airplane shortly after his defeat for re-election?

What are the issues in the present campaign? The Hylan administration has been one of undeniable incompetency. Mayor Hylan himself is a good-natured, and apparently honest man of small mental calibre. It is generally agreed that he is the most ignorant mayor of New York within memory. The Hylan administration had two assets at the beginning—Alfred E. Smith, who was president of the Board of Aldermen, and Frank Dowling, who was president of the Borough of Manhattan. Smith soon resigned to become governor, and Dowling died in office. Their places were filled by Republicans, one of whom is now Hylan's opponent for the mayoralty. The Tammany comptroller, Charles L. Craig, is a man of undoubted ability, but obstinate and obstructive. Most of the mayor's appointees have been men without any qualification for office, the majority being Tammany district leaders. There has been incompetence in almost every line of civic work. Constant bickering and fighting in the board of estimate has delayed every necessary project. The budget has risen enormously. School building and repairs have lagged to such an extent that thousands of children have no seats or are on part time. The police department has suffered a complete collapse in morale under a commissioner appointed from the uniformed force. There is a dock scandal and a markets scandal. However, no charge of personal dishonesty has been brought home to the mayor.

It would seem that the issues are simple, but there are complications. Last February, well-authenticated reports indicate that Mayor Hylan would be glad to retire at the end of his term. In the next two months, the situation changed completely. Hylan was given an issue. A Republican governor, Nathan L. Miller, over the protest of almost every New York City representative, jammed through his so-called "traction bill," placing the New York City transit problem wholly in the hands of a state transit commission, which was to unify and bring under city ownership all the transit facilities with their obsolete street car lines, watered stock, tangle of franchises and contracts, holding companies, preferentials and guaranteed dividends. The companies were to have the right to accept or refuse the plan, but the city, with an investment of some $300,000,000 guaranteeing a five-cent fare, was deprived of a voice through its locally elected representatives. This violation of home rule was intensely resented by the majority of citizens of all parties, and immediately created the issue which Hylan, aided by Hearst and his newspapers, was not slow to seize upon. The issue was that of home rule and a five cent fare. To this was added opposition to increases in light, gas and telephone rates. Hylan had opposed these increases which were very generally regarded as unjustifiable.

But the mayor's attitude toward all of these problems was entirely one of obstruction. He prepared statements for the press, but little convincing evidence for the courts to prevent increased rates. He opposed higher traction fares and established competing and on the whole unsuccessful municipal bus lines, but neither he nor his associates attempted to offer any intelligent solution of the traction problem. He was as incapable of cooperating with Governor Smith of his own party on traction plans which involved no question of violation of home rule, as with Governor Miller. So far as Mayor Hylan had any plan, it seems to have been to bring about general municipal ownership and operation by driving all the traction lines into bankruptcy.

It is safe to say that but for Governor Miller's traction legislation and other legislative measures forced on the city against its wishes, there would be little doubt as to the outcome of the city campaign. A coalition has been effected between Republicans and independents which has resulted in the nomination of candidates all of whom are opposed to Governor Miller's traction bill, favor the five-cent fare, home rule and lower utilities rates. Henry Curran, who has been nominated for mayor, is now the Republican president of the Borough of Manhattan. He has a long and excellent record in public office and an attractive and modest personality. He has a definite plan to meet the city's problems. His overwhelming defeat of three opponents in the primaries, two of whom were regarded as formidable, was an impressive demonstration of his strength. His associates for the city-wide offices are Senator Lockwood, Republican, who, with Samuel Untermyer, has been conducting a most productive legislative housing investigation, and Vincent Gilroy, an independent Democrat, and nephew of a former mayor.

The main question in the campaign may be defined as follows: can Mayor Hylan and Hearst persuade the mass of poorer people that the Coalition Republican candidates are not sincere in their stand on traction, utilities and home rule.

As in the recent primaries, women will play a tremendously important part in the campaign, and it is not too much to say that the result is largely in their hands. The Coalition Republican ticket, if it is to win, must persuade independent voters that they are not being asked to work for a straight Republican administration with Republican district leaders taking the place of the present Tammany officeholders. The deplorable school situation will be a very important factor. Further disclosures by the Meyer Investigating Committee will also weigh heavily against Hylan. Another factor is the row which has broken out in Tammany Hall over a primary contest for the position of president of the Borough of Manhattan, between a recalcitrant Tammany district leader and Murphy, the Tammany boss.

Shrewd observers of New York politics say that you can not elect an acknowledged fool or laughing-stock as mayor unless he has a big issue. It looks now as if the big issue injected by Governor Miller may be removed from the campaign. If so, Hylan may be laughed out of office. Stranger things have happened in city elections.

OBSERVATIONS ON STATE FINANCIAL METHODS

BY CHARLES R. MILLER

Former Governor of Delaware

Modern accounting methods, a budget system, administrative consolidation are the fundamentals of sound financial procedure. :: ::

For years past there has been confusion regarding Delaware finances, caused by a lack of information, understanding, and the absence of the sound principles of government. Therefore, we have been drifting along without any established financial system, depending upon two things: First, The hope that everything would come out well in the end; and, second, confidence in the integrity of our public officials.

We should, however, insist upon the adoption of such mechanical necessities in government management of the affairs just mentioned as will give complete financial information and control and put the state's affairs on a scientific basis, insofar as practical. When we have complete information and control, financial problems are reduced to a minimum. The importance of mechanical necessities can be understood by the average citizen, and it is the average citizen that should be interested.

NO AUDIT OF REVENUES

A law passed by the last General Assembly provides for the proper audit of expenditures; but there is no provision in that law, nor does there seem to exist any law on our statute books, which provides for the audit of revenues. Just how much the absence of such a law means can only be imagined, as there is no way of telling the licenses which have been overlooked by the clerks of the peace; nor the corporations which are delinquent in payment of franchise tax; nor is there any check on fees collectable by the office of the secretary of state; nor is any audit possible of the collections of the state insurance commission.

These citations are not directed towards any individual official. The criticism is intended to call attention to the lack of any well-organized and proper system.

THE FOLLY OF DEDICATED REVENUES

Reference now is directed to the law stipulating the use which must be made of the funds derived from the income tax, namely, for the support of the schools and highways. What is the advantage of such procedure? There can be none—it does not increase the revenue; it does not simplify bookkeeping; it does not protect the schools or the highways by guaranteeing them revenue. On the contrary, it endangers and lessens the efficiency of these state departments by making the amount of revenue uncertain.

What is the objection to placing all the revenue in the general fund and apportioning the funds to the various functions, activities and departments of the state according to their legitimate requirements? It would give more leeway and avoid such difficulties as the highway department is experiencing at present. The budget could be prepared more readily and scientifically, and we would be able to eliminate the archaic and objectionable phraseology which appears in many acts carrying appropriations, namely, "payable out of funds not otherwise appropriated."

THE NEED FOR MODERN ACCOUNTING

As far as ascertainable, there has never been any real audit of the books of the state; and the system which has been in use (a single entry system), does not provide an automatic audit. Even the statement presented by former Governor Townsend, January 1, 1921 (which is similar in form to that submitted by the governor to the General Assembly in January, 1915, which was the first detailed information regarding finances ever presented to the members of a General Assembly) does not give information of the finances which is sufficiently complete for satisfactory work.

To prepare a complete, accurate and dependable statement in the past has been impossible, owing to the absence of any modern system of accounting. The state auditor, Hon. Daniel Thompson, is now having installed a complete and modern system of accounts by W. B. Richards and Company, of New York, a firm of international reputation in accounting. For this move to improve the state accounting conditions the members of the recent General Assembly are to be commended; and the state auditor should be commended for the promptness with which he has proceeded to introduce system into our state accounting.

The new system of accounts should make complete financial data readily available, and be the basis of intelligent planning of expenditures and economy. Governmental accounting is a science—a specialized branch of general accounting—a fact which the members of this association doubtless appreciate. What we need to urge now is an audit of the books, so that the figures which will now be used in opening the new set of books will be absolutely accurate. Then the officers of the state can go ahead with some assurance, and work confidently and intelligently. They can use common sense free from guess work.

GOVERNMENT STRENGTHENED BY BUDGET

How does the budget fit with the ideas of democratic government as worked out in this country? Does it make the governor the executive in fact, and is he given proper opportunity to administer the affairs of the state? Is the governor responsible to the electorate through the General Assembly? The heads of departments, boards and agencies submit their plans and needs, he questions them and revises their estimates to conform with his larger plans. The governor then must submit his plans and estimates for funds with which to run the state to the representatives of the electorate—the General Assembly. That body has access to all information and is in a position to intelligently decide to what extent the governor's requests are proper. Certainly the general structure of the machinery of government is strengthened by the passage of the budget law.

Is the budget law democratic? Assuredly yes. The law requires that the budget be printed in the papers, and that it be distributed among the departments and officers of the state. The hearings are public, and the statements will be so arranged as to be readily understood.

The classification which the budget requires will be of no small advantage. It will show the expenditures for obligations assumed in the past, expenditures for present operations, and indebtedness incurred for future benefits, such as improvements.

Summing up briefly the advantages of the budget system gives accurate figures of the needs of each department, bureau, board, commission, division office and officer by accurate and scientific calculations; it makes intelligent planning possible; it brings the state's finances into the open, so that each citizen may know the facts and figures and the plans of the administration.

BUDGET TO BE SUCCESSFUL REQUIRES ADMINISTRATIVE REORGANIZATION

If the state's problems of finance—revenue, expenditures and handling of funds—are to be handled with wisdom and dispatch, there must be an organization which can work in co-operation and act efficiently and in accord with the most approved methods. Your attention is especially directed to that which is absolutely essential—organization. What will all the mechanism and budgets do for the finance administration if there is not the organization to form policies, to collect revenues expeditiously, and to spend the money economically. The human element must necessarily play a large part.

Previous to the adoption of the present constitution, the governor appointed all administrative officials. Those of you who may recall that time can determine whether our state has benefited by decentralization under the present constitution. Be this as it may, the present constitution has certainly served its purpose, and the people of the state under present conditions are entitled to a better form of government than is obtainable under the provisions of the present constitution.

A survey made recently of the state government, recommended an organization of the state administration machinery along the lines adopted with such success in other states. It provided for grouping the functions of the government into a few large departments. The federal government is now planning such a reorganization. As valuable as the budget may be as part of the necessary machinery, of what value is it today as compared with its effectiveness if the government were organized?

The budget cannot do everything. At present, there are somewhere in the neighborhood of 120 boards, commissions, departments, offices, officers, institutions and agencies. Each must have its own office, its own equipment, its own office force. There is duplication and overlapping. Responsibility can be shifted. If order is Heaven's first law, it appears to be our last, as things now stand.

A proper reorganization will make for greater unity, greater harmony, and greater economy—it is the essential that is now required to make full use of the budget.

APPRAISING DETROIT'S NEW CRIMINAL COURT

BY ARCH MANDEL

Detroit Bureau of Governmental Research

The new system has been in force about a year and a half but it has already shown tangible results. :: :: :: :: ::

In the following two thousand words an effort will be made to present a fact statement of the work of Detroit's unified criminal court system that went into effect on April 20, 1920. It is recognized that less than one and a half years of operation is too brief a period to permit of drawing definite conclusions or in which to expect perfection of development. It will suffice, however, to give an idea of the efficacy of the new organization.

What should be the basis for evaluating the work of a criminal court? When is such a court "efficient"? A judge, a prosecuting attorney, a practicing attorney, and a sociologist would each render a different judgment on the efficacy of the same court. There seems to be, however, one essential regarded as a minimum standard for efficiency in a criminal court, namely, promptness and certainty in the handling and disposition of cases. It seems agreed that among other things justice demands swift and certain punishment of the guilty and equally decisive action in the vindication of the innocent. Therefore, it may be assumed, whether it can be proven or not, that a criminal court is more likely to help reduce crime and to render justice if it disposes of its cases expeditiously.

CASES TRIED PROMPTLY

Has the new court system in Detroit done this? A study of 1965 felonies originating in the new court during the first six months of its operation reveals the fact that 38 per cent were disposed of within seven days, that is, from the arraignment on the warrant through the final trial; 52 per cent were disposed of within fourteen days and 93 per cent within ninety days. As against this the

Cumulative Table Comparing the Time Consumed in Disposing of Felonies under the Old Court and the New. Periods Compared Are April 20, to December 31, for the Years 1919 and 1920

Weeks	1919		1920	
	No.	Per cent	No.	Per cent
1	31	2	748	38
2	92	5	1015	52
3	187	10	1187	61
4	292	15	1322	68
5	406	21	1441	74
6	529	27	1533	79
7	661	34	1609	83
8	789	40	1680	86
9	1160	59	1707	87
65–90 days	1297	66	1820	93
90–270 days	1562	80	1965	100
270–610 days	1948	100		

record of the old courts shows for the corresponding period in 1919, out of 1948 cases, 2 per cent disposed of within seven days; 5 per cent within fourteen days, and 66 per cent within ninety days; 20 per cent of the cases were disposed of between nine months and two years.

The analysis of the more prevalent felonies, shows up as follows:

Carrying Concealed Weapons: In 1920 out of 377 such cases over 69 per cent were disposed of within one week. In 1919 out of 237 cases, 5 per cent were disposed of within one week.

Larceny from Person: In 1920, out of 66 such cases, 30 per cent were disposed of within one week. In 1919, out of 36 cases, $5\frac{1}{2}$ per cent were disposed of within the fifth week, — none prior to that time. By the end of the fifth week in 1920, 72 per cent of these cases were finished.

Dispositions of Persons Tried in the Recorder's Court on the Charge of Robbery from April 20 1919 to April 20, 1920 as Compared with the Same Period, 1920–1921

	1919	*1920*
Number tried	181	171
Convicted	91	96
Per cent convicted against number tried	50%	56%
Probation	11	2
Suspended sentence	10	0
Life	0	4
Number sentenced term of years	70	90
Per cent of number sentenced (to term of years) against convictions	77%	93%
Discharged	53	22
Nolle prossed	37	53
Average number of years of sentence	8 months to 3 years	8 years to 19 years

In 1919, 25 per cent were disposed of after nine months pending in the Court.

Robbery: In 1920, out of 85 robberies, 16 per cent were disposed of within one week and in 1919, out of 105, 1 per cent. At the end of two weeks, 34 per cent were disposed of in 1920 and 1 per cent in 1919.

Breaking and Entering: In 1920 out of 118 such cases, 10 per cent were disposed of within one week and in 1919 out of 144, $3\frac{1}{2}$ per cent.

Violating Prohibition Law: In 1920, out of 417 cases, $52\frac{1}{2}$ per cent were disposed of in one week. In 1919 out of 653, 1 per cent. Also for 1919, 32 per cent of these cases were not disposed of until after nine months.

When the new organization took hold it found 2,200 untried felony cases. At the end of the year, April 21, 1921, there were only 32 felony cases, in which informations had been filed, to be tried.[1]

PUNISHMENT MORE CERTAIN

Data are not at hand to prove that punishment is more certain. However, from a general review it seems that convicted persons are dealt with more severely than formerly. The following tabulation of disposition of persons tried on the charge of robbery compiled by the Detroit Police Department indicates in the main the attitude of the court in the handling of offenders.

For obvious reasons, judgment upon sentences imposed is reserved. What justice is and whether severe or lenient sentences are more effective depends upon the individual offender and the circumstances surrounding the offense, as well as the facilities for executing dispositions.

Other phases of the new court's work that deserve attention locally are the improved methods in handling women offenders through virtually establishing a woman's court and through the creation of an efficient woman's probation division; establishment of a night court and traffic court; and a successful fight against the nefarious practices of professional bondsmen.

Since these features are common to other cities, and in fact may have reached a greater degree of development than in Detroit, they will be passed over with mere mention.

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[1] First Annual Report by Presiding-Judge Harry B Keidan.

A PSYCHOPATHIC CLINIC

Of greater general interest is the creation and use of a psychopathic clinic. The clinic although operating officially only since April of this year has already demonstrated its great possibilities of usefulness in assisting the court to more intelligent disposition of offenders. Before imposing sentence upon offenders referred to the clinic for examination the judge has before him a complete social history of the individual compiled by investigators of the clinic, a diagnosis of the physical and mental conditions together with recommendations for treatment based upon the findings. Unfortunately, Detroit at present is limited in the facilities for extended observation of offenders and for carrying out treatment recommended by the psychiatrist.

A UNIFIED COURT: JUDGES ON THEIR TOES

To the country at large the objects of particular interest are those factors that made possible speed and certainty of punishment. Wherein does the Detroit criminal court system differ from that of other cities and from Detroit's former system?

Prior to April 20, 1920 Detroit had the usual inferior and superior criminal courts, the Police Court and the Recorder's Court; the former having jurisdiction over misdemeanors and over the arraignment and examination of felony cases and the latter over the trial of felony cases, and because it was a city court had jurisdiction over ordinance cases. There were five judges, three in the Police Court and two in the Recorder's Court, each an independent and co-ordinate unit.

The law creating the new court provides the following features absent under the old dual organization:

1. A unified criminal court for Detroit. The Police Court was merged with the Recorder's Court.
2. A presiding judge, chosen by the whole bench of seven judges for such term as is agreed upon, who "shall be charged with the general supervision and superintendence of the work of the court."
3. Power to establish and maintain specialized branches or divisions as may be deemed proper and expedient by a majority of the judges.
4. Seven judges instead of five, with equal powers and jurisdiction.
5. Psychopathic clinic.

Of these distinctive features the first two mentioned are primarily responsible for the improved functioning of the court. The responsibility for the handling of all criminal cases from beginning to end being vested in one court, an organization that is operated as a singular administrative unit under the "general supervision" of a presiding judge, has made for expeditiousness. Furthermore assignment of cases by a presiding judge has permitted uniform distribution, eliminating congestion in any one division.

The benefit of unification is further exemplified by the fact that out of 981 felony cases where the defendants pleaded guilty, 25 per cent were disposed of within twenty-four hours and 55 per cent within seven days.

Coupled with this advantageous organization is the presence on the bench of a majority of judges, including a presiding judge, who are anxious that the court in its operation profit to the maximum from the provisions of the law, and who are striving to eliminate those elements that tend to defeat the purposes of criminal courts. In other words, the judges are on their toes, anxious to carry out to the full, provisions of a law passed by an overwhelming vote of the people because of the promised benefits to be derived.

WHAT HAS BEEN THE EFFECT ON CRIME?

Has the new court had any effect on crime in Detroit? The following figures show that since November 1920, major crimes in Detroit have been at an unusually low level not only in comparison to former periods in Detroit but also, it is believed, when contrasted to conditions in 1921 throughout the rest of the country. In passing, it may be noted that unemployment in Detroit has been as great relatively as that in any other of our cities.

Comparing the number of certain crimes reported by the Police Department:

Crime	January 1 through July 31					
	1916	1917	1918	1919	1920	1921
Breaking and entering business places....	620	745	605	615	776	252
Breaking and entering dwellings........	913	824	686	852	755	260
Larceny from person	632	548	372	450	364	245
Robbery..............................	226	465	276	358	621	225

Now it happens that the Police Department has been unusually active and alert since November 1920, but it is also true that the support given the police by the court has been an added incentive to the former to exert every effort to keep Detroit free from criminals and crime. Let who will draw conclusions.

REAL TEST AHEAD

To summarize — the reorganization of the criminal courts of Detroit has begun to justify itself— Commendable progress has been made, but it will require years of careful study, giving due weight to all the variable factors in the community bearing upon crime, to determine whether or not the court is responsible for any reduction in crime. After all even perfectly functioning law enforcing agencies are limited in their ability to reduce criminality and crime in a community. The source of the problem lies beyond the reach of these agencies. There is no question as to the reasonableness and efficacy of a unified court, both from an administrative as well as sociological viewpoint. However, it would be fatal for Detroit to believe that the mere setting up of the organization has solved its problem. So long as the public focuses its attention upon the court and selects a personnel that will take advantage of a superior form of organization and of the modern conception of a court's function, just so long and no longer will progress be made. The real test for the Detroit courts will come in the next few years when the new court organization becomes a habit.

DRASTIC PROPOSALS FOR A NEW NATIONAL MUNICIPAL LEAGUE

A Composite Attempt to Put into Concrete Form the Ambitions of the National Municipal League for Discussion at Our Chicago Convention

BY SOME OF OUR "BEST MINDS"

THERE ought to be an adequate national association for the expert study of problems of democratic state and local government in America and for securing the widespread adoption of the improvements suggested by such study.

PRESENT CONDITIONS

There has never been any such *adequate* association, and the studies that have been made have been private, occasional, fragmentary, have usually been products of the reference library rather than of field work and have exerted little influence.

The way we have allowed half-baked theory to guide our destinies in questions of self-government is laughable.

The Initiative and Referendum were spread by the fond imaginings of an unknown and utterly untrained Philadelphia physician who had the money and the zeal.

The Recall has spread to about 300 cities and a dozen states—and there is not a cent available for a competent inquiry as to whether it is a blessing or a curse, and meanwhile nobody *knows*.

The non-partisan ballot is in use in several hundred cities, and the one examination of its workings was interrupted two years ago by the death of the student, and has never been taken up by anybody else.

The preferential ballot was gotten into use in numerous important cities through the insistence of a Harvard professor—of engineering!

Proportional representation is on our map because it captivated a Haverford professor of mathematics so that he made a hobby of it.

The short ballot idea and the city-manager plan were the happy thoughts of an advertisement writer who had no training in political science.

The direct primary has swept the country and may recede and vanish again with only one state's experience ever spread out for examination by actual study on the ground.

Canada has adopted single-house legislatures—and we don't know, and can't find out, how they work!

The fact basis for political science in this country practically does not exist—hence the frequent triumph of quackery and superficial theory and the unchallenged hang-over of intolerable anachronisms, such as the current style of county government.

There are plenty of well-grounded, competent students of government in the country, but it costs money to travel from state to state to ascertain and accumulate facts. There is no way of setting up a miniature United States as a laboratory, no way of finding out, except to compare the actual experience of the states and cities by getting down under the publicity to find the real elements of those questions. And the college professionals of political science to whom we would naturally look for such inquiries are just the men who cannot afford to go forth on such expeditions at their own expense. Consequently text books and propaganda are written on the flimsiest hearsay, and many problems are never studied at all.

If the facts were assembled, however, there would still remain the question of what to do with them, how to advertise the conclusions which the facts compel, and convey the material to legislators and local reformers at the opportune time backed by political pressure and popular support.

At present there is the National Municipal League with 2,500 members and an irregular list of civic clubs, municipal associations, bureaus of municipal research and chambers of commerce doing some civic work scattered through the larger cities. Also a few small state societies like the New York State Association and the California Taxpayers' Association. For most cities and all but two states, there are no citizen bodies that could take up and utilize the facts as to the workings of our democratic mechanism even if the facts were available!

THE PROPOSAL

So the task is to create an organization that will

(1) Supplement the current style of indoor research with abundant field study of the *actual working* of our devices of popular government, and

(2) *Do* something effective with the information without letting it gather dust in reference libraries.

It is proposed, therefore, to develop a central national association based on a nucleus consisting of the National Municipal League's 2,500 members united, perhaps, with the American Civic Association's 1,800 members. Total after eliminating duplications, about 4,000.

These two societies are 27 and 17 years old respectively and have together an income of about $50,000 a year.

To this should be added at least $50,000 more annual revenue, and preferably $100,000. The attached list of new projects that can be and ought to be undertaken totals over $100,000, but it could not all be organized in the first year. It comprises a program parts of which would take several years for completion. It is not by any means a complete list of even the immediate needs.

Preliminary steps have already been taken.

The National Municipal League has always been a useful clearing house of such information as could be gleaned by mail from the political reformers in the various cities. It held an annual convention of civic secretaries, research bureau members, etc., and published the NATIONAL MUNICIPAL REVIEW, which reported the news of reform work. (This work still goes on.) It has done little original research, and it did no propaganda except to answer inquiries.

During the last two years under the invigorating interest of its president, Charles E. Hughes (now, unfortunately, resigned in mid-term to become secretary of state), the League has been occupied as follows:

A. *Propaganda Work.* Absorbing the Short Ballot Organization and taking over and enlarging its campaign for the city-manager form of government.

Pamphleteering; *e.g.*, to legislatures and governors readministrative reorganization.

Furnishing volunteer and paid speakers for various subjects.

Insuring material to the press, *e.g.*, a set of fifteen articles to 1,000 newspapers on the city-manager plan.

Rendering all manners of assistance to college classes, charter committees, campaign committees and civic organizations.

B. *Technical Service.* Twelve technical pamphlets have been issued and circulated as supplements to the NATIONAL MUNICIPAL REVIEW.

An expert charter draftsman, Dr. A. R. Hatton, has been kept in the field

WHAT THE NATIONAL LEAGUE COULD DO WITH $100,000

Proposals for Additional Expenditures

1. For putting more people into touch with modern political reform principles and progress:	
(a) By improving the NATIONAL MUNICIPAL REVIEW as follows:	
Employ—a trained editor	$6,000
Employ—a field reporter and pay expenses	7,000
Adopt illustrations and	
Drive circulation up with educative results in mind and a large free list to newspaper editors	20,000
(b) Reduce the price of the REVIEW to $3 (now $5)	
(c) Revive the newspaper clipping sheet service supplying the press with articles, news and facts for editorials on political reforms about twenty-four times a year. Edited by REVIEW staff	6,000
(d) Organize state chapters with local address and letterhead, as in New Jersey, for pressing for concrete legislation wherever opportune, and for presenting League principles to constitutional conventions. No local dues, or rent, or payroll, but service by League field secretaries subject to the local governing committee	5,000
(e) Paying for articles written on our subjects by trained magazine writers for general magazines from raw material gathered by research bureau men	2,000
(f) Popular pamphlet service. A series of pocket-sized propaganda pamphlets like our "City Manager" pamphlet for wide circulation, for use in school civic classes, college courses. Written by experts free, edited by REVIEW staff, partly sold, partly given away, like our "City Manager" pamphlet, which goes out at the rate of 5,000 a month. Sent free upon first issue to chambers of commerce, civic clubs, etc.	
Net overhead and first investment	5,000
2. Technical service to guide local workers and legislators to head off amateurish and uninformed efforts and substitute sound reform work:	
(a) Extension of our technical pamphlet series to cover our whole present field	5,000
(b) A new pamphlet series of "Studies on Municipal Administration," prepared to our order by various bureau of municipal research and successful officials	10,000
3. Personal field service:	
(a) Field Secretary on City Planning and Zoning, net	5,000
(b) Field Secretary on Franchise Problems net	5,000
(c) Assistant Field Secretary on Charter Drafting net	3,000
(d) Three Campaign Secretaries for City-manager Campaigns, net	3,000
4. Research in Problems of Democracy:	
(a) Organize, direct and pay travelling expenses for field work, so that college professors of political science, in summer, and post-graduate students can address themselves to problems which we want worked on. Printing of the successful studies	10,000
5. General overhead—Rent, etc.	5,000
6. Committee Secretaries:	
(a) To secure full benefit of our volunteer talent	6,000
Total	$103,000

writing charters for various charter commissions, *e.g.*, Atlanta, Memphis, New London, Canton, New Haven, Kansas City and the Indiana state-wide optional charter law.

The League's model city charter has been supplied to charter committees, and has been widely copied by them in part or in full, frequently verbatim for many sections. The new Sacramento charter, for instance, accepts every principle of the model.

Charters are received for expert detailed criticism by Dr. Hatton.

Complete state reorganization plans were drafted by the League in 1921 for Arizona and Tennessee at the request of state officials, who accepted them and pressed them vigorously for passage. (Both defeated by very narrow votes, but will come up again.)

Incessant inquiries on all sorts of subjects are carefully answered with the volunteer aid, when needed, of expert members of the League.

C. *Research committees* of the League ready with final reports on the following subjects:

New Sources of Municipal Income.
Technique of Special Assessments.
A Model Election Law.
A Model Municipal Pensions Law.
A Model Municipal Bond Law.
A Model State Constitution.

WHAT HAS BEEN DONE

This expanding National Municipal League has taken important steps looking toward a bold enlargement.

It has made its NATIONAL MUNICIPAL REVIEW the official publisher for the American Civic Association, the Governmental Research Conference, the National Short Ballot Organization and the City Managers' Association, and has absorbed the *Equity* magazine.

It has established a semi-consolidation with the American Civic Association, J. Horace McFarland, president, looking toward complete consolidation under a new name later, and meanwhile saving some duplication of effort and expense.

It is at work in co-operation with the League of Women Voters to forestall duplication of work and to furnish both technical help and popular material.

Further desirable consolidations are a probability.

The stage, then, is all set and the consent of all parties is available. The experimental and tested personnel of the two societies is competent for the work and indeed constitutes the group on which anyone who started such a crusade would necessarily depend for technical aid and authority. In the following general scheme of expenditures (for which exact estimates are impossible) there is nothing that the National Municipal League or the American Civic Association have not done already in principle, though in a very limited way.

CONCLUSIONS

Civic work of this scientific-propagandist character is an acquired taste. It has no heart appeal and few friends with money. If we would cut out the science and make a lurid one-sided appeal for the direct primary, for example, in headlong disregard for any inconvenient facts, we would draw supporters and funds, but a sober revelation of the facts pro and con with technical proposals for correction of certain basic evils is too cold-blooded a process for most people!

Hence, we wait on funds!

Yet here in America is the greatest experiment in self-government the world has ever seen, with experimentation still going on and nowhere nearly finished—and the experiment is being conducted practically in the dark!

EXTENT OF THE HOUSING SHORTAGE IN THE UNITED STATES[1]

ITS ECONOMIC AND SOCIAL EFFECTS; RESOURCES AVAILABLE IN DEALING WITH IT

BY JOHN IHLDER

Manager, Civic Development Department Chamber of Commerce of the United States

Has America gone over to lower housing standards under pressure of house shortage? And what will be the social consequences if lower standards prevail? :: :: :: :: :: :: :: ::

To-day we hear comparatively little about the housing shortage, except from legislative investigation commissions. Tenants associations, many of their members out of work, are much less vociferous; employers have other troubles to occupy their attention. Yet the housing shortage is probably even greater than it was in 1920, and the deep-seated economic and social consequences of that shortage are having their effect day by day now as they were then.

Aside from the psychological effect of slack times, which makes men put up with conditions that in prosperous times they would consider intolerable, there has gradually taken place an adjustment to conditions. What housing workers feared and prophesied has taken place. The people of America are accepting a lower standard of living. According to our pre-war standard of living we are probably a million and a quarter houses short. According to the standard we are beginning to accept as a new normal, the shortage is much less.

You will note that I say "probably" in estimating the shortage. This is because there exist no statistics in America which enable us to do more than make a very loose estimate. Practically none of our cities know definitely what their housing shortage is. Last year nearly all were persuaded that it was serious, because every real estate firm had long lists of applicants and because expanding industries were unable to secure employes, as the latter could get no dwellings for their families. To-day many cities are persuaded that their housing accommodations are ample, because the waiting lists in the real estate offices have diminished and business firms are not expanding. Yet our population is growing faster than it was a year ago, due to the increase of immigration, temporarily checked by the new law.

FEWER ROOMS—MORE BATHTUBS

Apparently what has occurred and is now occurring is that existing accommodations have been and are being subdivided, each family accepting far less than it occupied in pre-war days. An intimation of the extent to which this lowering of our living standards has gone, is given by the industries which supply bathroom fixtures. It is common knowledge that last year, 1920, saw the smallest amount of new residence construction that we have had in many years, estimated at less than 100,000 dwellings as compared with a pre-war normal of approximately 400,000. Yet last year the demand for enameled iron bathtubs taxed the ability of the producers, and 617,000 were sold. Back in 1912 this number was approximated, but it never has been equalled. Other bathroom equipment; lavatories, sinks and small ware also reached new record heights in 1920.

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[1] This article, which takes account of the changes between the fall of 1920 and the spring of 1921, was read before The National Conference on Social Work, Milwaukee, June, 1921. It is interesting to note that since it was written another swing of the pendulum has begun, that its prophesies seem on the way to fulfillment as economic conditions improve.—Ed.

The explanation, of course, is that many thousands of single-family dwellings were converted into multi-family dwellings. Anyone who knows much about such converted dwellings knows that, aside from the economic and social loss which follows the removal of a family from a home to even the best apartment, converted dwellings are usually unsatisfactory. Seldom do they provide adequately for light, ventilation, privacy, or protection against fire.

The figures I have given are indicative of the change in manner of living which has come to the large so-called middle class in America, the group which demands the means for personal cleanliness but can not afford the more expensive potters' output. They are the ones at whom our "Own Your Home" campaigns are mainly directed. They are now, by the tens of thousands, settled in makeshift apartments, and with every day that goes by are becoming more and more habituated to this cramped method of living.

The housing shortage probably has hit the members of this group harder than any other and, through hitting them, it is most significant of permanent change for the worse in America, for it is not the rich, who can care for themselves despite the high prices, nor the poor, but it is this group who set American standards, who give us our norm by which we measure, to which we hope to raise all our people.

HOW THE POOR ARE AFFECTED

As for the poor, in whom we here to-day are primarily interested, the housing shortage, while it has affected them, while it has increased their discomfort, has not made such a marked change in their manner of living. For them, too, there have been provided many converted houses—without bathtubs even of enamelled iron. But they were accustomed to cramped quarters before the war. For them there always has been a shortage of good houses. Before the war, however, we were making noticeable progress in improving the dwellings of even the casual laborer. Bad as the most congested districts of our cities were in 1916, they were far better than they had been twenty-five years before. States and cities, their number increased with every year, had adopted housing regulations and were enforcing them more and more effectively. The old saying that the worst burden of the poor is dirt, was by the way of becoming antiquated. Sewers and water mains were being extended in the old neglected areas and houses were being connected. There were a few cities where privy vaults had been banished and where every house had running water. In others notable progress was being made; Philadelphia, for example, was abolishing privy vaults and substituting sanitary flush toilets at the rate of 7,000 to 8,000 a year.

The hardest fight was against overcrowding, for here we have to combat the shortsighted thrift of those we would aid. A dollar saved is a dollar earned, and the dollar was the standard of values. So families crowded into two rooms, who should have had at least four or five, and others took in lodgers, thinking only of added income and not at all of the moral well-being of their growing children. Rents were based not on value given, but upon ability to pay. Two small apartments brought more than one large one, so the landlord, quite as shortsighted as his tenants, encouraged rather than discouraged this overcrowding, and when his tenants misused the property or decamped with rent in arrears, he inveighed against them individually and as a class, without suspecting that he had some share in forming their moral standards.

When the war came, immigration practically ceased, wages went up. For the alien colonies this meant a change for the better. They could afford better dwellings, and they moved. For a time in 1918 and 1919 our lower east sides and our river wards were less densely populated than they had been within the memory of man. The worst houses and apartments stood vacant, their old occupants gone to better neighborhoods, while the stream of newcomers was dried up at its source.

In the negro districts, of course, the opposite condition prevailed. Migrants from the south crowded these districts beyond belief. Then came the great war movement of native whites to the war industry centers, until in them every room in every house which would take a wage-earner was filled, while in non-war industry centers, like St. Louis, there were many vacant houses until the government began to give out contracts in accordance with housing accommodation.

This urban house overcrowding continued with comparatively little mitigation during 1919 and the greater part of 1920. Since then the business depression has undoubtedly caused a reverse migration of considerable proportions back to the smaller towns and to the country. But there is no evidence that this has been comparable in size to the war migration. Consequently, the cities are still sheltering in some fashion a much larger population than they had five years ago, and that with a very slight increase in housing accommodation.

One interesting feature of the present bad housing situation is that we get very little of our information concerning it from social agencies—which used to be our main source. What we do get is from health departments and police surveys. A probable explanation is that the present bad housing bears hardest upon a different group of the community, one with which our case-working agencies at least have so far had little contact. Even with the resumption of immigration it is a question whether conditions in the poorest districts are worse than they were in 1916—except, of course, for higher rentals. But meanwhile we have developed a new poor, a group heretofore beyond the need of outside help such as our case-working agencies give, and still living upon the savings accumulated during the period of high wages. It is only in cities like Philadelphia where there are housing agencies, that the significance of what has taken place, and is taking place, is appreciated. There the Housing Association has fought consistently against a lowering of standards and, despite the pressure of the profiteering landlord, prevented official sanction until this winter, when the law was weakened to permit of more easy conversion. The only comfort is that now the pressure is somewhat relieved, new building is about to be resumed and conversion consequently will be only a fraction of what it would have been a year ago.

SOCIAL CONSEQUENCES OF OVERCROWDING

Housing associations during these past two years have been faced with a hard choice, a choice between two evils. House overcrowding, the taking in of lodgers, has from the beginning presented their most baffling problem, because it appealed to the cupidity of both landlord and tenant. With the housing shortage and the virtual cessation of building for people of small means, housing workers had to decide between a temporary truce in their old battle or acceptance of the converted house. Most of us, I believe, decided on the temporary truce. Bad as it is to have two families living in a house designed for one, we believe that the discomfort of such living will, in the majority of cases, bring it to an end as soon as an adequate number of houses are provided. But once the single-family house has been converted into apartments or tenements, the change is permanent. Not only will the converted dwellings remain what they are, but they set a new, lower standard for the neighborhood. The new dwellings of the future, then, must of necessity be tenement houses, and before long the character of the whole city will be changed.

The title of this paper links social and economic effects together. They always are linked in life. So social workers must be students of economics. One prominent social worker said to me not long ago that he has been impressed with the fact that a great part of social work to-day is due to mistakes made in the past because a temporary expedient or a half thought-out solution had failed to solve. In housing, this certainly is true. We are faced with such facts as these, due to house and room overcrowding.

In one large eastern city, where the negro migration caused very great overcrowding, the number of illegitimate children among the negroes increased to such an extent that the agencies dealing with it were swamped. In a middle western city, Cleveland, a health survey last year showed that the number of illegitimate births in the first six months of 1920 increased 100 per cent as compared with the number in the first six months of 1919.

This is a condition that can not be ignored. Like the death rate, it is an outstanding and measurable thing, but also like the death rate, it is indicative of a menacing condition which can not be accurately measured. The exact relation between death and disease has not been definitely established, but it is not improbable that sickness from which the patients recover more or less completely causes as much loss as do preventable deaths. So illegitimate births are indicative of a loss through lowered morality that affects us in a thousand ways beside those which find sexual expression.

NO COMPROMISE WITH LOWER STANDARDS

Accepting this as fact and accepting also as fact that both physical and moral disease may be somewhat lessened by subdividing our houses and so giving each family a certain degree of privacy, should we adopt this expedient? Some of us believe we should not. We believe it is better in the long run to struggle as effectively as we may during the period of shortage with the undivided house and devote our constructive efforts to securing really good houses than to accept a compromise which will be permanent.

In this our policy runs with constructive industry. Those who add to the wealth of the world, whose work goes to raise our standard of living; the builders, the manufacturers, the laboring men, all have long time interests, both direct,—through increased demand for their services, and indirect —through greater efficiency, health and joy in living, that runs with this policy. To be sure many of them, like many social workers, are unable to see the long run because of their interest in the spurts of the moment. An immediate job on a tenement house today may blind a builder to the fact that he is killing ten jobs on single-family houses. Many of the manufacturers of bathroom equipment rejoiced last year over the unprecedented volume of their orders. This year they are mourning, for orders have fallen from 617,000 to a rate of only 326,000. And for the whole future their market will be narrowed because of last year's good business.

In fact, the only persons who have permanent reason for rejoicing are owners of vacant land or of obsolete buildings in the districts that have become tenement house districts. The value of their land has been multiplied; their buildings may be converted. But owners of good residences in these neighborhoods see the value of their houses go down, more than enough to wipe out any profit from increased land value and owners of outlying land will wait years longer for the coming of purchasers, because the population will be crowded into multiple dwellings.

As for the resources available in dealing with our housing shortage, there has been a change of considerable moment since a year ago. Then there was a demand which taxed supply for materials, labor, money. To-day we have potentially adequate supplies of all for as much building as we can do. To be sure, many plants have shut down and, if building does not begin soon, they may go out of business permanently. The cost of money is still high. The cost of labor in many places and of some materials is still high. All of these, coupled with the expectation that costs[1] will reach a lower basic level in the near future, are holding up building at present. But indications are that the period of waiting is nearing its close.

Prices will not go down to pre-war levels. But that is not essential. What is essential is that they become stabilized, so that a house erected today will not have to compete with as good a house erected at smaller cost five or ten years hence. To this new price level we shall adjust ourselves.

Meanwhile we must maintain our housing standards, as these are expressed in brick and mortar, in type and plan of building. We must secure the enactment of more good housing codes and the strict enforcement of present codes. For, if we lose on these, it will take us generations to recover.

One other word, necessary because there is such widespread misconception. The good house, the single-family house, is the least expensive house. Many people believe that the tenement or apartment house means lower rents, and, faced with a serious economic problem, they favor this type of building while admitting its social disadvantages in the way of physical health, morals and race suicide. It is not cheaper. It is more costly in dollars and cents. Rents for inferior accommodations are higher in tenement-house cities than in small-house cities, in brick New York and in wooden three-decker Boston, than in Philadelphia, in tenement-house Paris and Berlin than in London.

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[1] Even railroad freight rates on some building materials have been reduced since this article was written.

DEADLOCK IN PUBLIC UTILITY REGULATION

III. INEFFICIENT SERVICE

BY JOHN BAUER, PH.D.
Public Utility Consulant, New York

Public service commissions have been followers rather than leaders. They have been too complacent at the people's expense. With few exceptions, they have done nothing to improve service or lower rates by developing better technical processes. :: :: :: :: ::

Previous articles in this series showed the fundamental difficulty of rate regulation to be that the commissions have not formulated exact policies and methods, that they have not determined definitely the amount of investment entitled to a return, and have not provided the machinery by which rates can be readily adjusted upward or downward according to changing conditions and requirements. The procedure is so cumbersome that prior to the war, except in comparatively few instances, rates were not reduced to the public with the cost of service; during the war they were not increased as they should have been to take reasonable account of extraordinary costs; and now with the ensuing price deflation they will not be diminished in accord with falling costs. The unwieldy practice on the one hand has failed to protect the public as was expected, and on the other has caused invisible confiscation by not granting rate increases when needed and particularly by destroying the credit of the companies.

RATES SHOULD HAVE BEEN LOWERED

The deadlock of regulation, however, applies not only to fixing and maintaining reasonable rates, but also to requiring proper service. Besides fair rates, the commissions were intended to secure for the public the best possible service available under progressive standards of efficient operation. They were expected not only to require the companies to furnish adequate service, but to investigate methods of operation and to establish up-to-date economical management. In this they have failed signally; except in relatively few instances they have done nothing for the real improvement of service, such as requiring the retirement of antiquated or unsuitable plant and equipment, installing modern facilities, ordering reorganization of management, eliminating duplications and unjustified overheads, and particularly procuring economical purchase and use of materials.

The commissions are thus guilty of double neglect in the matter of rates: (1) for not providing effective machinery for direct rate making and (2) for not ordering changes in operation which would have resulted in reduction in costs to make possible the lowering of rates. I am convinced, for example, that in the state of New York, if the commissions had acted vigorously in procuring economical operation, they could have reduced the cost of service on the average by 15 to 25 per cent. Besides their direct neglect in maintaining reasonable rates, they have not brought about large reductions in rates as they might have done, if they had exercised reasonably the duties and responsibilities entrusted to them as public bodies.

There is, of course, no definite statistical basis to show the extent that rates might have been reduced if the commissions had exercised their duty in establishing practicable economies. But among qualified technical men, who are thoroughly acquainted with the industries and who have been in close contact with regulation, the estimate of 15 to 25 per cent would be considered conservative, and that the reasonably possible reductions are considerably greater. The technical knowledge available for the reduction of costs has advanced with leaps during the past twenty years, but has been put to practical application only at snail's crawl. The companies are continuing to use out-of-date plant and equipment, to employ antiquated processes, to use unsuitable materials, and to continue waste motion and duplications.

The commissions, indeed, have been blissfully ignorant of the larger possibilities of efficiency. With few exceptions, they have neither investigated the technical processes employed by the companies, nor have known what better arrangements were available. Their technical staffs, to be sure, have understood more or less clearly the possibilities of improvement, but this has remained mostly a mental state, which has not reached the official commissions and has not resulted in action for improvements and reductions in costs.

THE CHICAGO GAS SITUATION AN EXCEPTION

There have been, fortunately, isolated instances where the commissions have shown by direct effort what might be done in the improvement of service and consequent reduction in costs and lowering of rates to consumers. A noted case is the investigation in 1918 of the production and distribution of gas in the city of Chicago. When the conditions of operation had reached a state threatening the financial collapse of the company, the public utility commission of Illinois instituted a thorough investigation, found a surprising lack of up-to-date facilities and methods, and finally succeeded in introducing improvements which resulted in a large decrease in costs and, if not in a direct reduction of rates, at least in preventing a 15 to 25 per cent increase. Moreover, incident to this investigation and to the direct effort to establish better conditions, there has been created a co-operative disposition between the commission and the company which has resulted in continuous economies, and in a better feeling between the company and the public.

For the most part, however, the commissions have permitted the out-of-date methods to continue and have disregarded their larger duties to the public. In gas and electric production, the companies are using generating plant and equipment which either are out of date or produce in too small units for economical output. In street railway operation, there is not only the excessive power cost, but the cars are antiquated and unsuited to their purpose. The commissions have done practically nothing toward investigating the possibilities, for example, of the light one-man cars, which promise to reduce cost in every direction—in the use of power, maintenance and depreciation, and particularly in cutting down the expense of labor. In most cities the old, heavy, two-men cars are continued, as are other unjustified processes, while at the same time the five-cent fare has been overwhelmed by the high costs of operation.

OBSOLETE STANDARDS CONTINUED

There are also other important phases of neglected economy which do not pertain directly to the best methods under existing conditions, but involve the conditions themselves. To illustrate, in New York the statutes prescribe a standard of twenty-two candle power for the delivery of gas to consumers. This requirement was fixed in the law for the protection of consumers, at a time when the regulation was probably justified by the then preponderant use of gas for lighting and the character of the "burners" available for illumination. But gas now is used chiefly for cooking or other purposes in which heat and not illumination is needed; moreover, the heat standards are now readily applied also to lighting by use of special burners. The twenty-two candle power standard, therefore, is antiquated and, at present prices of oil which it requires, places utterly unjustified costs upon production. Gas engineers are agreed that the heat unit should replace the candle standard, which would mean an immediate reduction in cost at present prices of oil amounting at least to fifteen cents per thousand cubic feet of gas.

Now, in face of the fact that the candle standard is out of date and grossly uneconomical, the commissions have done practically nothing in bringing the situation clearly before the public and asking the legislature to change the law. The supposed protection of the candle power required is actually an imposition of excessive costs upon the public, and the larger duty of the commissions was to establish real protection. Similarly in other classes of service, the facts showing what should be done are not determined and positive action for improvement is not taken. What have the commissions done in finding the proper place of the "jitney" in local transportation and in working out a desirable policy for use of electric railways and motor buses? What have they accomplished in requiring co-operation between independent companies for more efficient production? In large cities, the elimination of small isolated companies with high operating costs? In larger systems, the simplification of the confusing and excessively costly inter-corporate relationships? In the establishment of proper labor policies? In any large matter which means improvement of service?

Instead of being positive factors in establishing better methods, there is indeed ground for argument that the commissions have actually retarded progress,—that advance in operation would have been greater without commission control, and that costs would be lower. This would be due in part to the strangling of credit which has prevented the companies from financing desirable improvements, but more particularly to the fact of rate restriction itself which has interfered with the normal and controlling force for progressive economical operation—taking away the hope of profits from skillful management.

PROFITS ELIMINATED—NO OTHER INCENTIVE DEVELOPED

In unregulated business, one of the principal factors of progress is, of course, the opportunity of greater profit. In well-conducted business, operations are constantly studied with the purpose of lowering the cost in proportion to output and sales. There is constant investigation of plant and equipment to eliminate the antiquated and install the most economical for the lowest cost of production. This includes the location of the physical facilities, the routing of the processes, and the effective use of labor and materials consistent with quality and price. There is constant study of the financial organization, the interdependence of departments, the co-operation between the human elements, to keep overhead costs to an economic minimum and to stimulate productive activity to a maximum. This requires unremitting effort, which is sustained by the hope of profits and is rewarded by the greater gains of the business.

But the fact of rate regulation itself tends to eliminate the profit element of efficient management. The general policy is to restrict the return to a fair rate on the investment, and to the extent that this is consistently carried out in practice, the hope of gain to the company from progressive improvements is manifestly destroyed. If costs are reduced through skillful management, this would result in a corresponding reduction in rates to the consumers, and the company would get no greater return. With the reward thus eliminated, the management tends to continue on a dead level, putting into effect only such economies as can scarcely be avoided, not devoting serious efforts to such investigation and study as would characterize a private business in keeping improvements to a maximum.

That rate regulation has had such direct retarding influence upon operation is undoubtedly true, but the extent cannot be measured accurately or even approximately, and is easily exaggerated. For one thing, as complained in previous articles, regulation has not been at relentless attention to reduce rates at every possible occasion. While on paper it was expected to get for the benefit of consumers constantly the lowest possible rates, actually it has followed reductions in cost only tardily and partially, so that with improvements the companies have not been kept down to the bare bones of mere interest on investment. They have been able to get the benefit of a large proportion of the savings of management where such gains were actually realized.

Moreover, efficient management does not depend solely on the hope of direct financial reward; there are other fundamental factors of progress. Most of these, however, are of such intangible character that they are beyond the scope of this article and will not be further considered. But with all due allowance, rate regulation has undoubtedly produced a widely held feeling that vigor for the improvement of operation is not worth while, and the companies have unquestionably not maintained the greatest zeal to keep the business to the maximum possibilities of scientific operation. A wide-pervading psychology has tended to keep operation on a dead level, permitting the continuance or even the accumulation of undue costs in proportion to the possibilities of sincere and reasonable effort by the operators.

If it is true that rate regulation has had a substantial influence in retarding the development of economical management, the commissions should have exercised all the more their duty to keep track of operation and to require directly the installation of modern facilities, the employment of the best processes, the use of the most suitable materials, and the elimination of unjustified expenses. They should have been constantly engaged, just as the leaders in private business, in examining the methods used by the companies and determining what, in fact, are the best practices, and then insisting upon all desirable changes. They should thus have kept informed of the progress of invention and have been constantly concerned with the practical application of scientific advance, acting as a clearing house of progress, enabling all the companies to install the best methods without vast duplication of investigation and experiment. They could doubtless have performed this great service chiefly through tactful co-operation with the companies, without direct use of authority, but if not they should have required outright the installation of the best plant and equipment and the use of the most economical processes of operation.

WHAT THE COMMISSIONS CAN DO

In justification of the inaction in these important matters of operation, it may be urged that, except as to ordering necessary service, the commissions for the most part have not had the legal power to interfere with operating methods. The actual management, it may be argued, was reserved to the companies, not subject to regulation. It is of course true that the commissions have not always had enough power to act adequately in matters of operation, and particularly have not been vested with the direct duty of requiring the companies to install the best facilities and most effective processes. Unfortunately, in some cases where they have sought to perform their larger duties in requiring economical service, they have met legal obstructions and tactical obstacles to frustrate their efforts.

But, with due allowance for lack of power, the clear purpose back of all public utility legislation has been, unquestionably, to get for the people reasonable service at the lowest possible cost. For this purpose, the commissions have been endowed particularly with broad powers of investigation, being free to examine almost without limit the plant and equipment and the technical processes, and to determine in what respect these matters are below the best practicable standards. With such determination of facts, they could have obtained the desired improvements, in most instances through suggestions, pointing out clearly where economies may be instituted, and indicating a helpful disposition to bringing them about.

But even where commissions have not had final power to order desirable improvements and cannot obtain the voluntary co-operation of the companies, they can employ the pressure of publicity by placing the facts clearly before the public and awaiting the reaction upon the management. In any event, however, they are not absolved from the fundamental responsibility of procuring reasonable service at the lowest possible rates, and if they cannot obtain practicable efficiencies through co-operative ways or force of publicity, they should place the facts squarely before the legislature and ask for requisite power to deal adequately with the situation. They are intended to be expert bodies not only to administer the specific terms of the law, but to carry out its spirit, and to make recommendations where the law should be changed for the public interest.

The commissions are inevitably the repository of the public interest and are responsible for the development of desirable policy in a difficult technical field of economic service. They cannot dodge responsibility for their woeful neglect by pleading lack of specific power under the law.

STATE BUDGET PROGRESS

BY A. E. BUCK

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Only two states are to-day without budget systems in some form. But the successful operation of these systems is a horse of another color. A distinguished authority on budget methods here reveals where they have fallen short. :: :: :: :: :: :: :: ::

If we are to consider the mere passage of budget laws as the end to be sought in the planning and control of state finances, then we have certainly made rapid progress. It was only ten years ago that the first state budget law was enacted in Wisconsin. Since that time forty-five other states have enacted laws providing for the establishment of more or less satisfactory budget systems. The two remaining states, Pennsylvania and Rhode Island, are seriously contemplating the enactment of budget laws. Thus, the idea of having a budget system established by law has within a decade been almost universally accepted among the states.

But to a somewhat experienced observer of the actual working of state budget systems, it is apparent that we have not progressed very far. A large majority of the states are no better off from the standpoint of financial planning and control than they were before they provided for the establishment of a budget system. The system in some instances does not operate. Although very good laws are on the statute books, the state officials shrink from the work and responsibility required to put them into operation. In other instances, the system is wrecked by factional strife within the legislature or by political differences between the administration and the legislature. In still other instances, where honest attempts are made both by the administration and the legislature to carry out the letter of the budget law, failure has resulted mainly because of the ramshackle organization and poor business methods of the state. So that while a particular state may have a perfectly good budget law in force, its operation may amount to little or nothing because state officials disregard its provisions, or on account of political squabbles, or because of the poor organization of the state's governmental machinery.

While some legal provisions are necessary for the establishment of a permanent budget system, the budget law is not everything. It does not work automatically; it is merely the legal authorization to use scientific planning in financing and conducting the work of the state government. Willingness and enterprise on the part of the public officials and properly organized governmental machinery are necessary to carry it into operation. Given these conditions a state may have a satisfactory budget system without a budget law.

I. Recent State Budget Laws

In an article printed about two years ago (National Municipal Review, August 1919, pp. 422–435) the writer covered briefly state budget progress up to that time, as it related to an analysis and comparison of the state budget laws, particularly those belonging to the executive type. Since that article was written, seven states have been added to the list of those having laws establishing permanent budget procedure, namely, Delaware, Florida, Indiana, Michigan, Missouri, North Carolina and Texas. Of these states Delaware (1921), Indiana (1921), and Missouri (1921), belong to the executive type, the governor being responsible for the budget proposals; while Florida (1921), Michigan (1919), North Carolina (1919) and Texas (1919) belong to the board type, a board composed of administrative, or administrative and legislative, officers being responsible for the budget recommendations. Recently New York and Oregon have changed to the board type. So that, classified from the standpoint of legal provisions, there are now twenty-four states with budget systems of the executive type; twenty-one states with budget plans of the board type; and one state—Arkansas—with the legislative type of budget.

NEW BUDGET LAWS

Delaware, which has had a law since 1917 providing for a temporary budget system, enacted this year a law providing for a permanent system. This law is a mixture of the Virginia and Maryland budget provisions, resembling more closely the Virginia plan. The governor is required to submit to the legislature a single appropriation bill along with his budget plan. Provisions are made for bringing the governor-elect into touch with the preparation of the budget. Procedure in the legislature on the budget follows that of Virginia. While there are no restrictions placed on the power of the legislature to change the governor's appropriation bill, the legislature is required to designate or provide sources of revenue to meet whatever supplementary appropriation bills it may pass. One rather unusual provision is the requirement that in case the legislature has not acted on the governor's appropriation bill by the fiftieth day of the session, it must then consider this bill to the exclusion of all other measures until passed. All continuing appropriations are repealed. The governor is authorized to secure assistance in the preparation of the budget.

The Florida law constitutes a budget commission consisting of the governor, comptroller, and treasurer. The manner of preparing the budget and the legislative procedure set forth in this law resemble rather closely the Virginia law. The legislature is unrestricted in its action on the budget. The governor is authorized to employ assistants to help the commission in preparing the budget.

While the Indiana law makes the governor responsible for the final budget recommendations to the legislature, it provides that the state accountant of the state board of accounts shall do the budget-making work and that his board shall make preliminary recommendations to the governor. A newly elected governor is given twenty days after his inauguration to submit the budget to the legislature. The governor must submit an appropriation bill to the legislature along with the budget. No legislative procedure is prescribed in the law. It is interesting to note in this connection that the legislature which passed this law refused to take any action on a proposed budget amendment (copied from the Maryland amendment) which had passed the preceding legislature. This was mainly due to the fact that it placed restrictions upon the power of the legislature to increase the governor's budget proposals.

The Missouri law creates a department of budget under the governor which acts not only as a budget-making agency, but as an agency of general administration. The governor is responsible for the budget recommendations to the legislature. Nothing is said about legislative procedure. Since this law was passed referendum petitions of sufficient number have been filed in the office of the secretary of state to prevent it from becoming effective until voted on by the people at the general election in 1922.

The administrative code recently passed in Ohio repealed the budget law of 1913, and constituted a department of finance with budget-making powers like those of the Illinois department of finance. There is a superintendent of budget in this department at an annual salary of $4,000, whose duties are similar to those of the Illinois superintendent of budget. The budget procedure is practically the same as in the case of Illinois.

An Oregon law passed this year, repealed the 1913 budget law and constituted the state board of control, consisting of the governor, secretary of state, and treasurer, a budget commission. The secretary of state is made responsible for the actual budget-making work. The budget recommendations of the commission as submitted to the legislature are "merely informative and advisory."

The 1921 legislature of New Mexico passed a joint resolution proposing to write into the constitution a state budget procedure. This proposal (No. 6) is to be voted on along with several other proposals at a special election to be held September 20, 1921. It provides that the regular sessions of the legislature shall begin on the second Tuesday in February, a month later than at present, and shall not exceed sixty days. The estimates and other budget information must be submitted to the governor by January 15, preceding the regular session of the legislature. By the twentieth day of the session the governor must submit the budget to the legislature and along with it a single appropriation bill containing all the appropriations proposed in the budget. The governor may amend the general appropriation bill after it has been submitted to the legislature, or he may recommend supplementary appropriation bills. The general appropriation bill is to have priority in the legislature over all appropriation bills initiated by members of that body, except that the legislature may provide for its own salaries and expenses. The legislature is restricted to striking out, or reducing items, in the general appropriation bill, excepting it may only increase the items relating to the judicial department. While this last provision resembles that of the Maryland amendment, the effect of the entire proposal is quite different. The power of the legislature remains practically unlimited with reference to the passage of special or supplementary appropriation bills.

CHANGES IN EXISTING BUDGET LAWS

Several states have made more or less important changes in their budget laws during the present year. Under Governor Stephens' plan for regrouping the California administrative agencies, the state board of control, which since 1913 had prepared the budget, was made the head of the new department of finance. One member of this board will now have control over the budget-making work, and the board as a whole will determine the budget recommendations. Idaho created a bureau of budget in the office of the governor which will act as the budget staff agency to the governor. Michigan created a state administrative board, composed of the governor, secretary of state, treasurer, auditor, attorney general, highway commissioner and superintendent of public instruction, which assumes the duties of the budget commission and budget director created in 1919. Slight changes were made in the Montana law relative to the form and contents of the budget. The Nevada budget law of 1919 (copied from the Maryland amendment) was repealed by a new law which removes all limitations on the power of the legislature to change the governor's budget proposals. A New York law creates a board of estimate and control, consisting of the governor, comptroller, and chairmen of the senate finance and assembly ways and means committees, which has control over the preparation of the budget advisory to the joint budget committee of the legislature. This board also controls state purchasing and certain departmental expenditures. North Carolina largely nullified its budget law by amending it last year so that it does not apply to current expenses of the legislative, executive, and judicial departments. Utah recently created a department of finance and purchase under the governor which acts as the governor's staff agency in the preparation of the budget and which has wide supervisory powers over all the state's administrative agencies similar to those exercised by the Illinois department of finance.

II. Operation of State Budget Systems

Henceforth we need to lay stress upon the actual operation of state budget systems rather than upon the provisions of state budget laws. The interesting and satisfactory budget system is the one that works well, not the one that has the most perfect law authorizing its establishment. While our experience in budget making does not extend over a sufficient period to warrant a critical appraisal of the methods used, yet certain trends in the work have always become apparent and certain practices, some of them admittedly bad, are now in vogue in some of the states.

The main reasons why state budget systems are not working more satisfactorily may be summed up in four phrases: (1) inertia of state officials; (2) shifting of responsibility in budget planning; (3) political squabbles and deadlocks; and (4) obsolete machinery and antiquated methods of state governments. From first to last, these stand in the order of increasing importance.

INERTIA OF STATE OFFICIALS

In some states the officers charged with budget making put forth very little, if any, effort to carry out the budget law. They are not wilfully negligent of their duty; they simply do not move. They lack an appreciation of the importance of financial planning. They merely "hold" office, doing the daily routine in about the same way their predecessors of forty years ago did it. For example, Tennessee has had a very good budget law on the statute books since 1917, but no budget has yet been presented to the legislature in accordance with its provisions.

In several states unsatisfactory budgets have been prepared, due mainly to the fact that the executive, or the board responsible for budget making, gives little attention to the work until a month or two before the time set for presenting the budget to the legislature. Then there is a wild scramble to get the budget "dope" together and present it in some form so as to satisfy the requirements of the law. In these states proper records are not kept, and the budget-making authority has no permanent staff agency. Budget making is not regarded as a continuous process, but a sort of miscellaneous "job" to be done once in a biennium and to be forgotten as soon thereafter as possible.

But administrative officers are not the only ones that stick to office habits when it comes to budget making. Legislators are just as bad. In fact, legislative bodies stick doggedly to existing practices and procedure when they might easily make a few changes that would add greatly to the success of budget planning.

SHIFTING RESPONSIBILITY IN BUDGET PLANNING

"Passing the buck" in budget planning is a common means of nullifying the effect of the budget system. Governor Small of Illinois, although he presented the budget to the legislature a month after he came into office, refused to accept any responsibility for the recommendations contained in it. Governor Allen of Kansas submitted the budget to the legislature without any recommendations. Such a document is really not a budget, but only a compilation of the estimates. The distinguishing earmark of the budget is the financial plan which it proposes. The Montana budget contained no recommendations, the reason given being that two of the three members of the budget-making authority (the state board of examiners) were retiring from office early this year. This "lying down on the job" when near the end of one's term in office, or passing work on to one's successor in office, is much too common in state budget making.

With determination to give the state a financial plan and willingness to accept responsibility for it, a governor can inaugurate the budget system without any law. This is illustrated by Governor Milliken's experience in Maine. In 1917, without any legal authority, he prepared a state budget and by his leadership put it through the legislature. This budget was more satisfactory than those of a majority of the states having budget laws and constitutional amendments. It was even more satisfactory than the budget prepared this year in the same state under a law enacted in 1919, which created a budget committee consisting of the governor, auditor, treasurer, and chairmen of the senate and house appropriation committees.

In some of the states the shifting of responsibility for financial planning has resulted in the executive type of budget reverting to the legislative type. For example, in Massachusetts the governor's repeated refusal to formulate a budget plan, and to face the issues connected with it, has forced certain members of the legislature to take leadership in budget making. Practically the same thing has happened in New Jersey. No matter what the provisions of the budget law are, they cannot be successfully carried out unless the budget-making authority is willing to assume responsibility for the budget plan and to stand the gaff in its defence.

POLITICAL SQUABBLES AND DEADLOCKS

Many things beside budgets are wrecked upon the rocks of political discord. Budgets, however, seem particularly liable to such disasters. The most notable example during the present year is the complete fiasco of the Oklahoma budget. Governor Robertson, who submitted the budget to the legislature, was elected to office running on the Democratic ticket. The legislature was divided, the senate being Democratic and the house Republican. The house spent most of its time making "investigations" of the several departments and offices, including the lieutenant-governor, and in trying to impeach the governor. Neither the house nor the senate paid any attention to the governor's budget recommendations. They each prepared and passed a series of appropriation bills, the totals of which differed by about two million dollars. After repeated conferences and extended wrangling, the two houses came to a deadlock. This continued for several days, and then suddenly the house adjourned *sine die.* No appropriations were passed, not even deficiency appropriations. Recently the governor called a special session of the legislature which, after passing a few deficiency appropriations, again threatens to end in another deadlock.

The Oklahoma budget law was practically copied from that of Virginia, where the budget system has so far operated fairly well. It is quite possible, however, that the same thing which has happened in Oklahoma might happen in any state. As long as we have bicameral state legislatures there is a possibility of a deadlock between the houses. With even a single house legislature and an elective governor there may not always be political agreement between the legislature and the executive. To meet such situations the machinery must be so adjusted as to prevent partisan wrangling and especially deadlocks. The remedy lies outside the province of strictly budget legislation.

OBSOLETE MACHINERY AND ANTIQUATED METHODS OF STATE GOVERNMENTS

States are beginning to find out that sound financial planning and proper conduct of public business depend to a very large extent upon the governmental organization and methods used. If the budget system is to work effectively, there must be a well co-ordinated administrative organization that fixes definite responsibility for carrying out the budget plan, and improved business methods must be used in connection with the employment, purchasing and accounting of the government. Considerable progress has already been made in this direction. This year Ohio and Washington, following the examples set by Illinois, Idaho and Nebraska, reorganized and departmentalized their statutory administrative agencies. Out of numerous agencies, Ohio constituted eight departments and Washington ten departments, all departments being placed directly under the control of the governor. California also regrouped and consolidated into seven departments the majority of its statutory administrative agencies. Unsuccessful attempts were made this year to put through plans of administrative reorganization in Arizona, Connecticut, Michigan, Missouri, New Mexico, New York and Tennessee. Studies looking toward the adoption of reorganization plans are under way in Arkansas, Connecticut, Maryland and Texas.

Ten states have adopted the merit system of civil service. Fifteen states have centralized practically all their purchasing under the control of a single agency. Utah and Washington set up centralized purchasing agencies this year. Recently several states have greatly improved their methods of accounting and reporting.

We are on the way toward the development of effective state budget systems, but we have not yet arrived.

NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

To Abolish City-Manager Government.—A petition has been filed to abolish city-manager government in Pontiac, Michigan, and an election will be held on the question November 29.

⁂

The Municipal League of Seattle, after special investigation and debate, has gone on record favoring the city-manager plan for that city.

⁂

City Runs Below Budget Allowances.—Norfolk, Virginia, saved $109,523 of its budget allowance for the first six months of the present fiscal year, according to City Manager Ashburner's report to the council, although more than half of the year's expenses have been incurred. The chances are excellent that further savings will be made over the amounts authorized by the budget for the rest of the year.

⁂

City Profits from Garbage but Housewives Kick.—Norfolk, Virginia, derives $6,000 per year from its garbage to help defray the expenses of collection by selling it to a hog-feeding company. City Manager Ashburner points out that Norfolk is one of the five cities in the country which have daily garbage collections in the summer, but the Housewives' League objects to the necessity of separating refuse into three cans, one for garbage, one for waste paper and one for glass and cans.

⁂

A New Charter for Minneapolis.—Minneapolis is now in the early stages of a determined and carefully planned effort to secure a new charter. Having failed in six earlier attempts, she is taking special pains to educate the people at every step and to keep the movement representative. A citizens' charter committee has been formed composed of one delegate from all local organizations of standing, with sub-committees on finance and research. Already more than 200 organizations are represented on this committee.

⁂

New York Sinking Fund Indictments Discussed.—The present New York state comptroller, his predecessor in office, and the broker, through whom purchases of bonds for the state's sinking funds were made at rates higher than those prevailing in the market at the time, were dismissed last month without a jury trial on the ground that no criminal acts had been shown. The court ruled that it had not been proved that the comptroller or his predecessor had gained by defrauding the state, and if the broker had gained by sale of bonds above the market it was profit and not larceny.

If officials charged with the management of sinking funds are not responsible except for physical theft from the funds, the case for serial bonds is so much stronger. Under a recent constitutional amendment the sinking fund system is no longer possible for New York state.

⁂

County Government News.—At the November election, New York state will vote upon a constitutional amendment empowering the legislature to provide new forms of government for Westchester and Nassau counties, subject to the approval of voters in each county by a referendum vote at a general election. The amendment provides that the plan adopted may include the transfer to the county of town functions, that it must provide the manner in which the county may revert to its old type of government and shall not take from the legislature the power of amendment or modification.

Nassau and Westchester counties are adjacent to the city of New York. They have large populations, and the old county and township governments, together with the small villages and school districts, have involved many costly tangles and have baffled progress. Both counties appointed official commissions in 1914 to examine their local governments and suggest improvements. They found they could do nothing without constitutional amendment and, after getting their amendment in the constitution of 1915 which failed, have revived the effort in the present amendment now in its final stage.

The New York State Association has published two valuable and suggestive bulletins dealing comprehensively with the situation in each of the counties, and outlining the possibilities for unification, shorter ballot, increased efficiency and lower taxes which the amendment it passed would permit. The two bulletins are obtainable from the association at 305 Broadway, New York, at twenty-five cents each.

⁂

Sacramento, California.—The petition for the election of a county charter revision commission was declared insufficient, but on appeal to the court was held to be sufficient, whereupon opponents of a new charter have carried the matter to the supreme court. Meanwhile, a new petition is being circulated which will be free from the errors alleged against the first, and an election in the near future looking toward the adoption of a county-manager plan seems certain. The delays, however, prevent submission in time for ratification by the 1922 special session of the legislature, and so a new plan cannot now be made effective until 1923.

⁂

Alameda, California.—The first vote on the consolidated city-county-manager charter is due on November 15.

⁂

Referendum Becomes Party Tool in Missouri.—At the election in November, 1920, the Republican party for the first time since the success of the Liberal Republican movement in 1872 gained control of both the executive and legislative branches in Missouri. In the legislature which met in January, 1921, Governor Hyde was successful in carrying through a program of consolidation of state administration. Most of the measures were opposed by the opposition party and were passed by practically a strict party vote. Party lines were also drawn on a bill redistricting the circuit courts of the state and upon a number of measures consolidating the offices of justices of the peace and constables in Jackson County, but all of these measures were passed.

After the legislature adjourned opposition to the measures continued, particularly on the part of those who were losing their official positions as a result of the enactment of the bills. It was urged that the referendum should be invoked on these measures, and the Democratic state committee officially sanctioned and promoted the referendum movement. As a result petitions were circulated and the following measures were suspended and referred to the voters at the election in November, 1922: budget bill, department of labor bill, supervisor of public welfare bill, department of agriculture bill, and two bills abolishing the office of beverage inspector and state inspector of oils, respectively. The Democratic state committee had also approved the referendum of the bill re-districting the circuit courts of the state and four bills relating to the offices of justices of the peace and constables in Jackson County. All these measures were held up by referendum process.

In addition to the above measures opposition was directed at a county school unit bill, a workman's compensation measure, and a bill which changed the requirements for admission to the examination for the practice of medicine, so as to take away from the state board of health the power to classify medical schools. While the referendum of these measures was not sanctioned by the Democratic state committee, petitions were circulated and the necessary number of signatures secured to suspend their operation until after they had been voted upon by the people under the referendum provisions.

Fourteen measures in all were suspended under the referendum process. Questions have arisen regarding the validity of the petitions in the case of some of the measures, and injunction proceedings will probably be instituted to prevent the secretary of state from placing these acts on the referendum ballot.

In the case of the four bills relating to offices of justices of the peace and constables in Jackson County, the legislature declared the measures "necessary for the immediate preservation of the public peace, health and safety" within the meaning of the referendum section of the constitution. As a result of this fact, the secretary of state declined to accept the referendum petitions on these measures, following the ruling laid down by the supreme court of Oregon. The provision in the Missouri referendum section regarding this matter had been adopted from Oregon and was practically identical with the statement which had been passed upon by the Oregon supreme court. Mandamus proceedings were instituted to compel the secretary of state to accept the referendum petitions, and the supreme court of Missouri ruled that the judiciary must pass upon the question of whether a measure was necessary for the immediate preservation of the public peace, health and safety. As it held that these measures were not of this character the secretary of state was ordered to accept the referendum petitions on the four bills with emergency clauses.

Isador Loeb.

Dramatic Developments in Cincinnati's Street Car Difficulties.—The revised street railroad franchise adopted in Cincinnati in 1918 provides for the cost of service plan. The rate of fare is to go up and down according to an amount in a reserve fund. The receipts of the system never reached the point of paying anything into the reserve fund. In fact, for more than a year, the receipts had not reached the point of paying the city's license tax, and the payments which had been made during the life of this revised franchise were, in effect, made by means of the convenient process of funding deficits. Consequently, the fare kept going up and up, one-half cent each quarterly period provided in the ordinance.

In June, 1921, the fare had reached nine cents cash fare and eight-and-a-half cents ticket fare. Under the ordinance a further increase of one-half cent was inevitable on the 1st of August, 1921, and another half-a-cent increase three months later. A municipal election is to take place in November, 1921, preceded by the customary campaign. The indications were that the fare had reached its point of maximum inefficiency as a source of earning power and that the company was desirous of avoiding further increases.

In this situation, the city officials passed an ordinance providing that the 1920 and 1921 license fees to the city, aggregating $700,000, are not to be paid unless in 1922 and thereafter the revenues produce a surplus which could be applied thereon; but the rate of fare is not to be advanced to produce such surplus. While the fare is over 7½ cents, payments into the reserve fund shall not be required.

But the city charter contains general referendum provisions, under which ordinances are subject to a referendum, and for that purpose their taking effect is suspended for thirty days. Within the thirty days after the passage of the aforesaid ordinance, a referendum petition was filed containing on its face an adequate number of signatures.

The street railroad company promptly accepted the ordinance, and a moment thereafter announced that it would not comply with same. Immediately, on a Saturday, the city filed a suit in court to compel compliance with the ordinance, making the street railroad company the sole party-defendant. Under the statutes, the company would have five or six weeks within which to answer; but, on the following Monday, two days after the suit was filed with only Sunday intervening, the attorney for the traction company (the busiest lawyer at the Cincinnati Bar) appeared in court with his answer ready, and all ready for trial, and on that same day (Monday) the hearing took place in court. In the arguments the issues between the city and the company's attorney were not very sharply drawn, and the only strong note of dissent came from the attorney of the referendum petitioners. The court refused to make the referendum committee a party to the action, but permitted its attorney to submit an argument. Within a few days after the argument, the court decided that, for reasons specially applying to street railway ordinances, this ordinance was not subject to referendum.

In the meantime the city officials became aggressively active in finding flaws in the referendum petition and, through their party organization, in obtaining withdrawals of names of petitioners. The petitioners' committee filed in the supreme court of Ohio a mandamus action to compel the city and election officials to hold the referendum election. The chief issue involved was whether the ordinance was subject to a referendum at all, and the supreme court of Ohio decided it was not.

In justification of the ordinance, the city officials argued that the city was not receiving its license fees anyhow and the reserve fund was not receiving anything anyhow, and that the ordinance was a method whereby fares could be reduced, leaving the future to determine whether the earning capacity of the system would be sufficient to keep them down and cover accumulated deficits. The petitioners pointed out that the ordinance does not release the company from license fees or reserve fund requirements but, by suspending these obligations, adds to the accumulated deficit. They attacked the ordinance as a campaign device and as a means for postponing over the period of the campaign a frank facing of the situation, as they, the petitioners, saw it, namely: that the franchise ordinance cannot be made to work, and that the financial structure of the company upon which that ordinance is based will compel a continuous increase in fares, to the detriment of the public and the inevitable collapse of the service, the ordinance, and that financial structure itself.

Alfred Bettman.

⁂

The New York Transit Commission Report.—What may be termed the first progress report of the New York Transit Commission was published September 30 in the form of a tentative plan for the solution of the transit trouble. It will be remembered that the commission has been endowed with all power over New York transportation which it was within the authority of the legislature to confer. The members of the commission, although generally respected, were appointed by the Republican governor, who forced through the transit bill. Under this bill the city government is no longer a party to transit negotiations. Naturally the present Tammany administration attacks the plan bitterly and it has become a central issue in the mayoralty campaign. As the corporation counsel remarked, "We are against anything which the transit commission proposes."

The tentative plan, however, has much to commend it, and it is a sad commentary upon the intellectual capacity of the present city administration that they have not been able to criticize it upon reasonable grounds. This has been left to others who are more friendly to the commission than to the administration.

The plan in brief proposes to start anew by combining all transportation facilities into three systems, grouped as follows: the Interborough subway and elevated lines; the subway, elevated and surface lines of the Brooklyn Rapid Transit Company and the surface lines of Manhattan and the Bronx. An operating company is to be organized for each consolidated system. A fourth company will be organized to exercise financial control over the three operating companies. The stock of the operating companies will be held by this central company in trust for the city, which will be the legal owner of the properties. The directorate of the central company will be made up of three selections by the operating companies and three appointed by the mayor, these six to appoint a seventh. It will be known as the board of control, but its powers will concern financial control only.

The present owners of traction securities will exchange their holdings for bonds of the operating companies. These bonds will include a contract for the automatic maintenance of a fare high enough to pay interest and amortization. Valuations according to existing security issues are to be disregarded and the new bonds are to be issued on a fair valuation only.

The purchase bonds are to bear interest at 5 per cent. As an incentive to efficient service a sum equal to 3 per cent interest on the purchase bonds is to be divided equally between the operating personnel and the owners of the bonds, after payment of all obligations including maintenance of the barometer fund. This barometer fund is a contingent reserve, the condition of which determines the rate of fare. The plan is thus intended to be service at cost, the fare fluctuating with cost.

One per cent is to be set aside each year to amortize the purchase bonds. Full municipal ownership will thus in time be accomplished without additional outlay by the city.

It will be observed that the plan gives to the city no share in operation. Although legal title to all properties is to be vested in the city (present stockholders become bond holders under the new system), it is to have no voice in operation and must rest content with minority representation on the board of control of the central holding company. It will also be observed that, while the transit commission has full power to commit the city to anything, the various transit interests can accept or reject the proposals at will. Assuming that the valuation will be as fair as the commission says it will, the traction companies can reject it or compel a modification. Of course two of the big systems to-day are in bankruptcy and the third can be forced in, and the commission relies upon this condition as the tool to be used if negotiations fail.

Yet the difficulties in the way are enormous, and increasingly so as the costs of operation of the present companies go down with falling prices. But these are difficulties which face all plans for traction relief in New York, and the commission can be forgiven for the effort to minimize the obstacles against the execution of its scheme. For the report, after all, bears traces of being a political document. Nevertheless, it represents a serious effort to attack the most grievous traction situation in the country. If the plan succeeds we shall eventually have unification of all lines under municipal ownership. In the meantime we shall see what are the commission's powers of negotiation, and if its plan goes through we shall gain some more experience with the charming phrase, "service at cost."

II. JUDICIAL DECISIONS

State Does Not Lose Police Powers in Home Rule Cities.—A taxpayer of the city of Dayton assailed the constitutionality of the conservancy law of Ohio on the ground that by the adoption of a home rule charter, the city and state had become bound in contract, and that the state had no powers to guard the public health and welfare within the city. Plaintiff argued that all matters of local improvement and taxation were vested in the city and that the officials in charge of the execution of the conservancy act were not such city officials, and that they were availing themselves of funds realized from the taxes taken out of the city. The court held that the powers conferred upon chartered cities does not preclude the state from enforcing police and sanitary regulations, and that the state had a right to impose taxes on Dayton for such purposes.[1]

⁂

Taxicab Stands.—The driver of a taxicab was arrested for violating a statute of the District of Columbia directed against the improper use of streets. The agreed statement of facts was that the defendant had parked his car at a place opposite the entrance to the Union Station on property used by the public, but owned by the Terminal Company. A contract agreement between the defendant and the Terminal Company permitted such use of the property. The court held that inasmuch as the property belonged to the Terminal Company and that the defendant was there in accordance with a contract agreement, the statute involved could not be construed so as to prevent such use of the property.[2]

⁂

Ash Removal.—An ordinance was passed by the city of Baltimore making it the duty of the commissioners of street cleaning to remove all ashes from dwelling houses, tenements and apartments, with the limitation that such ashes should not exceed fifteen bushels per week. The ordinance was attacked on the ground that it was unjust and discriminatory. The argument was presented that because fifty or sixty families choose to live in one building that they should not be placed in a different position than those who lived in separate houses.

The court held that the removal of ashes served a public purpose, though not a public necessity, and that it was for the municipal authorities to decide, as to how far they should go with such removal. The opinion of the court indicated that if the plaintiff's argument was sound, then those who used oil or other fuels not leaving an ash could attack the ordinance.[3]

⁂

Municipal Liability for Contractor's Negligence.—The city of Indianapolis contracted with a private corporation for certain improvements in a street. The evidence showed that an excavation had been negligently left unguarded and that the complainant had been injured by driving into it. The city claimed exemption from liability on the ground that the contract with the firm specifically stated that the firm should be responsible for all accidents and for keeping the work in a safe condition.

The court held that it is a city's non-delegable duty to protect pedestrians against dangerous excavations in the street, and that even though the work was being done by a contractor, the city could not avoid the liability on this account.

The theory of the court's position is that the contractor was purely an agent of the city in the performance of this work and that the negligence of the agent was binding on the principle.[4]

⁂

Drains Not to be Construed as Sewers.—A petition was presented to the city council of Cincinnati requesting certain street improvements, including a request for a drain. The council authorized the construction of this work, but ordered a sanitary sewer in place of a drain. The petitioners brought action to enjoin the collection of the assessment for the sewer. The court granted the injunction, and held that the word drain could not be interpreted so as to include the construction of a sanitary sewer.[5]

⁂

Board of Education Not a Resident Owner.—Under a statute requiring a petition for the paving of a street to be signed by the resident owners of one half of the property fronting upon it, the board of education, whose jurisdiction covered the entire city, was held not to be a competent signer by virtue of one of its school sites abutting thereon.[1]

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[1] *Selvey* vs. *Commissioners of Montgomery County et al.*, Fed. 202.

[2] *Reamy* vs. *District of Columbia*, 273 Fed. 323.

[3] *Mayor and City Council of Baltimore* vs. *Hampton Court*, 143 Atl. 850.

[4] *City of Indianapolis et al.* vs. *Cox*, 132 B. E. 8.

[5] *Roebling* vs. *City of Cincinnati et al.*, 132 N. E. 60.

✣

Suspension of Veteran Not Removal.—A Spanish War veteran was employed by the city of New York on a per diem wage. Because of certain criminal charges against him, he was suspended pending the outcome of the case. He was acquitted, and brought action to recover his lost wages on the ground that he being a veteran could not be removed.

The court submitted that such a veteran could be removed only after a proper hearing, but held that in this case the employe was merely suspended and that under a former ruling of the court no recovery could be made for wages not performed during suspension.[2]

✣

Veteran Not Entitled to Select Board of Review.—Under the laws of Massachusetts no veteran could be suspended or removed from public employment except after full hearing before the city council, or, by virtue of another law, by the civil service board. The council heard his case, and the veteran now complains that he had a right to elect the board before whom his case was to be heard. The court held that the most favorable construction that could be placed on the law was simply that it gave him the right to have his case reviewed before the proper board, but that it did not give him any right of election between boards.[3]

✣

Municipal Parks.—The charter of the city of Huntington empowered the city to acquire and improve parks and enter into contract with the owner of land for the purchase of such parks. Under this authorization the city was given a large tract of land, with the agreement that the city would make certain improvements thereon.

After several years, during which time no improvements were made, the grantor brought suit for damages against the city for failure to perform its part of the contract.

The court held that the suit had been properly brought and that the city was liable in damages for not having improved the land, which failure had resulted in serious damage to the grantor because of the unsalable condition in which his remaining land was left.[4]

Robert M. Goodrich.

III. GOVERNMENTAL RESEARCH CONFERENCE NOTES

James W. Routh, recently of the Rochester Bureau, has become engineer for the new St. Paul Bureau of Municipal Research. Harry G. Barnes, a graduate of the University of Wisconsin, is also on the staff.

✣

Miss Katherine Kennedy and Miss Hannah L. Protzman have joined the Department of Child Welfare of the Ohio Institute for Public Efficiency, the former specializing in the administration of juvenile courts and mothers' pensions, and the latter in co-operation with rural school districts and attendance administration officials.

✣

The Ohio Council of Social Agencies has a committee at work formulating a program for meeting unemployment conditions in Ohio during the coming winter.

✣

S. G. Davidson, formerly of the New York Bureau of Municipal Research, and who has held responsible hospital positions in Philadelphia, Memphis, and Youngstown, is now superintendent of the Rockford (Illinois) Hospital.

✣

Howard R. Knight, former acting manager of the Insular and Foreign Division, American Red Cross, Washington, D. C., has taken charge of the Organization Department of the Ohio Institute for Public Efficiency, Columbus, Ohio, succeeding H. D. Wehrly, who resigned to become director of the Dayton (Ohio) Bureau of Community Service. Mr. Knight has held responsible positions with the Russell Sage Foundation, Y. M. C. A. at Mineola, New York, the Marinecock Neighborhood Association, Long Island, and American Red Cross.

✣

Dr. Paul Studensky has succeeded Mr. H. R. Heydon as director of the Bureau of State Research of the New Jersey State Chamber of Commerce.

Robert T. Crane.

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[1] *Dunsworth* vs. *City of Hutchinson*, 199 Pac. 89.

[2] *Mandeville* vs. *College of the City of New York*, 188 N. Y. S. 656.

[3] *Donlan* vs. *City Council of Boston*, 131 N. E. 329.

[4] *Wittaker* vs. *City of Huntington*, 107 S. E. 121.

IV. MISCELLANEOUS

The Third Public Ownership Conference will be held in Chicago, November 19–21. Program subjects include the railroad problem, nationalization of mines, municipal railways, hydroelectric development, housing, people's banks, and the church and public ownership.

* * *

North Dakota Markets Bonds at Last.—The Bank of North Dakota has finally succeeded in marketing its $3,000,000 bond issue. Spitzer, Rorick & Co., and associates have taken the whole issue, and the bond sales office opened in New York by the Bank of North Dakota has been discontinued. The sale terminated a long struggle beginning early in 1919, when the sale was authorized by the legislature. The struggle involved a decision by the United States Supreme Court and a long publicity campaign by the bank.

* * *

The Journal of the Missouri Constitutional Convention of 1875 has just been published for the first time by the State Historical Society of Missouri in preparation for the coming constitutional convention. A history of constitutions and constitutional conventions in Missouri by Prof. Isador Loeb of Washington University is published as an introduction to the Journal proper.

* * *

New Orleans Begins Survey.—Last December Mayor Burman of New Orleans retired from office. His retirement marked the defeat of the political ring, which has gripped the city for years, by the progressive forces which secured the election of Governor Parker. Mayor Burman had been in office sixteen years.

One of the early acts of the new city commission was to order a comprehensive survey of the city's administration. A city survey commission has been named with an appropriation of $25,000 and the National Institute of Public Administration has been engaged to render technical assistance. Colonel J. E. Edmonds, formerly manager of the *Times Picayune* and an ex-army officer, is secretary of the commission.

* * *

Nominations for Officers of the League.—The nominating committee, as provided in the constitution, nominates the following as successors to those officers of the National Municipal League whose terms expire in 1921.

For president, Henry M. Waite; for vice-presidents: George Burnham, Jr., Mrs. Carrie Chapman Catt, Richard S. Childs, William D. Foulke, Morton D. Hull, W. D. Lighthall, Meyer Lissner, A. Lawrence Lowell, Oliver McClintock, J. Horace McFarland, Samuel Mather, Julius Rosenwald, L. S. Rowe, Albert Shaw, Theodore F. Thieme; for treasurer, no nomination at date of going to press; for council, terms to expire in 1924, C. A. Beard, C. A. Dykstra, Franklin D. Roosevelt, L. D. Upson, E. A. Cottrell, Paul N. Meyers, Richard B. Watrous, F. L. Olmstead, H. S. Keeler, A. Leo Weil, Mrs. T. G. Winter; for council, term to expire 1923, Mrs. Maud Wood Park.

The members of the nominating committee are George C. Sikes, chairman, Raymond V. Ingersoll, E. A. Cottrell, H. Marie Dennitt, W. J. Donald, Mayo Fesler, and Lionel Weil.

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The National Municipal League.

H. W. DODDS, *Editor*.

Sworn to and subscribed before me this 28th day of October, 1921.

BENJAMIN SCHWARTZ,
City of New York.

Term expires March 30, 1922.

STATE PARKS

By

HAROLD A. CAPARN

Landscape Architect, New York City

An account of the widening movement to preserve for all the people choice bits of nature with scenic, historical, recreational and educational values

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STATE PARKS

INTRODUCTION

Judging by the returns from many states the popular appetite for parks grows by what it feeds on. First we began with city parks in the middle of the last century. Then certain men of vision saw that there was within our borders scenery so rare and so superb that it must not be destroyed, and existing on too great a scale to be owned and controlled by any power less than the United States. Thus we got the national parks. And now, some twenty-two states (at the time of this writing) have discovered that the national parks are not so near home as they could wish them, and that they have, within their own borders, natural scenery so situated or so characteristic or of such historic interest that it ought not to be left to the vicissitudes of private ownership, but must be acquired for the use of the people at large, who alone can possess and protect it for the common good. Under private ownership it is never safe from injury for private advantage. It must be made safe for the common advantage by public ownership in perpetuity. Each of these states seems to find its horizon widening with each new acquisition. It becomes more conscious of its expanding needs for new and greater park possessions as it comes to realize the value of those it has.

SAMPLES OF WHAT AMERICA WAS

Reasons for this spreading public sentiment are not far to seek. No one who stops to think can avoid being deeply impressed by the enormous destruction of natural conditions that goes on in order that the earth may support its populations. If man is to grow his crops, the forest must go; if he is to be warmed and transported long distances quickly, and to make and operate his machines, coal and metals must be dug from the mines. There must be destruction in order that he may live and create and prosper. All this is impressive, but not much to be mourned, for it is better that forests and rocks should be destroyed than that there should be no man there to see them. But what seems almost appalling to those who are sensitive to natural beauty, to whom the unscarred face of the earth seems a thing to be treasured, is the wanton unnecessary waste and ruin too often wrought in converting the resources of the globe to man's uses. The forests, not merely cut, but eradicated, and the soil so burned as to become sterile; the deserts left as the aftermath of coal and metal mining; stark ugliness created where once a garden smiled. Nay, more: the actual joy in destruction, seemingly for its own sake, that seems to possess some of those with the pioneer instinct gone awry, who would rather plunder the hoardings of nature than use them. What is scenery, the gradual evolution of millions of years to such people? Let it be destroyed, for out of it can be made so many million roofing shingles, or yellow newspapers or tons of fuel or cement or tin cans or breakfast food. Surely a great achievement! Presently all these things will have been consumed, and so disappear (excepting the cement, which will probably perpetuate yet more monstrosities in concrete) and there will still remain an insatiable population clamoring for more. So, in the end, we have neither the products nor the scenery, but there surely must be a great gain somewhere, for has not Nature been conquered, and the ends of commerce been served?

"But what good came of it at last?" quoth little Peterkin.

"Nay that I cannot tell" said he; "but 'twas a famous victory."

Two or three generations ago, the people who saw and felt these things were few and far between, and their voice was as of one crying in the wilderness; but the sound thereof gained strength as it traveled, and bids fair to go out into all states; for the history of park movements seems to begin at the top; they are set going by a few enthusiasts (often by one only). But now the number of those who feel that we must preserve some of our scenery lest it be all destroyed is so large that they can be found in most communities. They want the coming generations to see what America was, even though only in samples. Their desire will be more and more justified as time goes on; for the increase of population decreases the areas available for popular recreation, camping, and fishing. Therefore, as density increases, park areas ought to increase in proportion, for there will be more to need and more to use them. This, of course, means that the time to acquire territory for state parks is *as soon as possible.* We should be as prophetic in foreseeing park needs, and as generous in satisfying them as we can, for the longer the waiting, the more difficult and costly the task will be.

We should remember that national and state parks do not serve the ends of recreation in its many forms alone; they are preserves of our native flora and fauna, and as time goes on, they are likely to be the only ones in the future; and they are likely to be the only places for studying meteorology and insect and bacterial life with their influence on growth, soil and climate under natural conditions, all these being subjects of great importance. As a climax, I may quote the words of Mr. J. Horace McFarland, who points out that the parks "deplete the popu-

Boy Scout Cabin in Bronx River Parkway, New York lation of hospitals, reformatories, sanitariums and penitentiaries," a result to which all the other uses of the parks in some measure contribute.

Photo by Dr. J. T. Rothrock

Original Hemlock, Karoodinha State Forest, Pennsylvania

AUTOMOBILES AND PARKS

In one form or another there have probably always been public lands to which anyone had the right of access, and it is one of the surest signs of democracy that a community insists on formal ownership and development or preservation of tracts for its own use and pleasure. The first great public parks of Europe were the demesnes of royalty or nobility, confiscated or otherwise converted to the common use. In our own country, when the city population grew thicker and unoccupied land within their limits scarcer and more difficult to protect, people found that the only way to solve the problem of public rights in open spaces was to acquire title to them and develop them systematically for the best uses of the greatest number. As city population increased still more, and city parks became less adequate to their needs, and as traveling facilities increased, it was found that parks further afield were getting out of the luxury class and into that of necessities. Now that visitors can easily reach them, we are beginning to find that we cannot well get along without them; and though the growth of state parks may not be altogether due to the growth of the automobile, they have followed it closely. Indeed it seems doubtful whether state parks could ever become very popular without the motor car. In this connection, it is interesting to note that Mr. Stephen Mather, director of the National Park Service, replying to criticisms at the National Conference on Parks at Des Moines last January, pointed out that the national parks were mostly used, not by millionaires in limousines, but by men who brought their families in flivvers and camped out. Similar observations could probably be made for state parks.

WHY PARKS?

An examination of many park reports and newspaper stories of state parks shows that the promoters are always at pains to give their reasons for their belief. This is natural and proper. But all the reasons can, of course, be boiled down to the *one great controlling reason*, that people want them and mean to have them. This is not only the great controlling reason, but the best one. It includes all the others, but as incidents. It is like one's dinner. Plural reasons can be given for eating it: to keep up one's bodily health and strength, to help the grocer and butcher to stay in business, and perhaps other reasons, no less altruistic; but the real controlling reason for eating dinner is that one is hungry and wants to eat it. So with parks: people want them because they want them, because their inborn instincts tell them, in ways that cannot be denied, that though they may possibly be happy without them, they will surely be happier with them. The reasons that the park promoters give (seemingly in their own defence, as though they had to defend themselves for defending the parks) are nearly always the same. Compared with the great controlling reason, they savor rather of excuses than reasons, though they are excellent excuses: (1) to preserve natural scenery for æsthetic and economic purposes; (2) to provide places for popular recreation; (3) to preserve places of historic interest. Any one of these by itself is justification for the establishment of a state park, though number 3 covers but a narrow, partial and personal field. It is regarded as concerning only the doings of men, and mostly of those men who have lived within the past two or three centuries.

But what of the tremendous history behind and beyond these momentary years? What of the vast stretches of time, the slow processes of geology and biology, the occasional terrific convulsions, the titanic history that preceded our entry on the magnificent stage of the United States; that made it possible for us to occupy it, to live by and on it, and to destroy it? Take, for instance, the account of the geologic history of Starved Rock Park, Illinois. It says that once upon a time the sea covered the interior of the continent and deposited shell material sufficient, aided by some precipitation of lime from the sea water, to give rise to the lower magnesium limestone 250 feet thick! Later, the St. Peter's sandstone was deposited on the limestone, and over this the silts, sands and vegetable matter which resulted in the formation known as the Coal Measures. Think of the unimaginable lapses of time necessary for all this (for we can merely talk about millions of years, not really imagine them), the passionless deliberation of the cosmic processes, relentless in creation and destruction alike! All this happened, not merely before the entry of man (a parvenu of the last 200,000 years or so) but long before the evolution, the flourishing and disappearance of many animals, great and small, now known only by their fossilized skeletons; before there were mammals on the earth at all; before the evolution and extinction of the wonderful reptiles of the Mesozoic, before most vertebrates had come into being. We are told that cement is now made from the lower magnesium limestone, so that before the concrete or brickwork that keeps your house or factory safe and stable could be made, all those cubic miles of tiny animals had to live and die and be petrified. Then on the limestone the sandstone, and over that the carboniferous forests had time to grow and perish. And all these things, and many more just as grand and awe-inspiring had to happen before Illinois could rear Abraham Lincoln and the lesser men who have made the state of Illinois as we know it. Every state in the Union has a history no less ancient and impressive than this, and all are different. Surely a subject of the profoundest appeal to the imagination, this history of the manifestations of the Cosmic will and brain before the ephemeral will and brain of man had appeared and struggled. And no place could be better to illustrate and preserve this history than a state park.

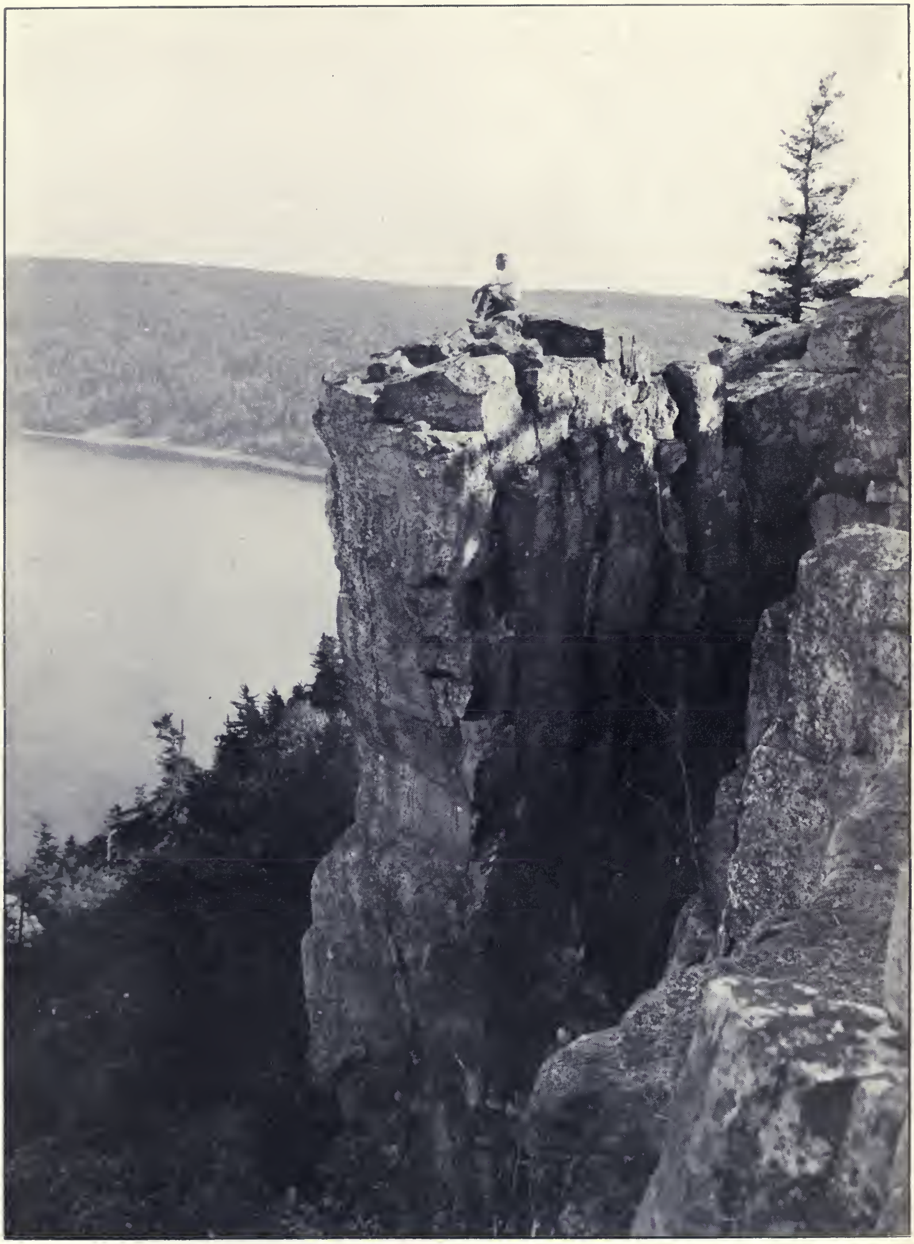
A PARK MUSEUM

It seems to the writer that every state park ought to contain a museum, and this museum should contain whatever relics and memorials of the park's human history may be available and appropriate. It should also contain specimens of every kind of rock and other geologic stratum within the park limits. The description of each should be so worded and arranged that anyone could easily see that such and such a rock came from the Azoic, before life existed on the planet at all; another was deposited (perhaps) when the dinosaurs wallowed in the swamps, when the pterodactyls beat the air and before flowering plants had appeared; this slate or sandstone or lignite is of the age of the huge and formidable titanothere, and the ancestor of the modern pig, both extinct these millions of years; or this piece of waterworn boulder was formed by fire when the earth was cooling and deposited in the park by the fourth glacial invasion when the Neanderthal man wandered over the plains of Europe only two or three score thousand years before historic times! There would be a gallery of illustrations of the various ages of the park, labeled thus for instance: This is a probable view in the park in the Carboniferous Era; This in the Early Mesozoic; This in the Eocene; This just before the First Glacial; and These are the animals that certainly or probably roamed through the park in these several epochs, and These are the trees and plants through which they roamed. There should be as complete a collection of fossils and other remains to testify to all this.

SOME GENERAL CONSIDERATIONS

It so happens that much of the land especially valuable for its scenic beauty is of little or no use for agriculture. Steep mountain sides, rocks, lakes and rivers may combine in the most precious of scenery yet not be worth $10 an acre for agriculture or other industries.

Any land at all can be turned into a park and restored to natural conditions if it is worth while; not always the original conditions, but something not dissimilar and with the necessary wild character. Even Manhattan Island, though it would be a very expensive process to remove the skyscrapers and the elevated railroads, to resoil and replant it and wait fifty years, could be made to look like the kind of country that Henry Hudson found between New York and Albany. By planting with the proper knowledge and foresight any land that can be made to grow trees can gradually be made into a good example of wild scenery. Soil and vegetation can be renewed; but rocks, once destroyed, can be replaced



PROSPECT POINT, DEVILS LAKE PARK, WISCONSIN only by the processes that put them there. Examples of more or less denuded land made into state parks are the Harriman-Palisades Park in New York and New Jersey, and the Metropolitan Park system of Boston. Much of the Bronx River reservation in New York was entirely despoiled. All these sites were worth while as parks because of their proximity to great cities. Their scenery, except the Palisades, while often very attractive, is not especially remarkable. In fact, proximity to a great city is sometimes the most important reason for a state park.

We ought to be especially forehanded in acquiring water fronts to forestall private ownership. Water fronts are perhaps the most valuable park sites, and are the most sought after by private owners, who are able, in effect, to control not only their own land, but also the water, in which they may have no property rights, by keeping the public away from it.

State parks should not necessarily be confined to the rare and most beautiful scenery. They might with great advantage also preserve examples of the average or characteristic scenery of each state. As population increases and the land is absorbed it will become more and more necessary to have large parks in greater number and well distributed so that they may be accessible to all within the state. To future generations it will surely be of the greatest interest to be able to wander among the New England hills, or the Illinois prairies or Pennsylvania pinewoods, substantially as they were when Columbus sailed from Genoa; to be able to see what America was, not only in her rare moments, but in her everyday garb. This is easy now, but will become more and more difficult as time goes on.

As far as is practicable state parks ought to be connected by state highways. (See resolution of unofficial committee of Society of Friends of Natural Landscape of Illinois.)

It is not possible, within the limits of this article, to describe the state park systems of the whole country with any approach to adequacy. The park systems of seven states, notable for one reason or another, are briefly sketched as representative of the general park problems of choice of site, acquisition, development and administration. A complete description of the state parks of the United States has been compiled by Dr. Edward Hagaman Hall, secretary of the American Scenic and Historic Preservation Society. It is likely to be published in the next annual report of the society. To date the following twenty-six states have state parks: California, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, West Virginia, Wisconsin, and Wyoming.

Description of State Parks

I. ILLINOIS

In no state is the park idea more popular than in Illinois if newspaper publicity is to be trusted. The Illinoisians have one notable state park (Starved Rock) and a number of memorials of great historic interest. Since the National Park Conference at Des Moines last January, movements for new parks have been set on foot in many parts of the state. Conspicuous among these is the Society of Friends of the Natural Landscape and several Chambers of Commerce. The state park bill of Representative Kauffman called for an appropriation of

$250,000, and the creation of an advisory board of five in the department of public works and was widely supported. Some of the provisions of the bill are worth quoting as showing the foreseeing Illinois view of the subject. It is provided that "the state park board shall make investigation of places which are of historic or scientific interest, or of natural scenic beauty, and shall formulate a comprehensive system of state parks and preserves. From time to time the board shall—recommend the acquisition of such tracts of land as it may deem advisable." The board is also to be given power "to acquire—land suitable for public parks, forests, game and fish preserves and experiment and investigation stations." Section four provides that, once acquired, they shall be kept in their natural state, and only necessary structures shall be erected therein.

The report of the Illinois state parks and memorials compiled for the department of public works by C. M. Service gives detailed accounts of eight state parks and memorials, and people in different parts of the state are working for upwards of twenty more. The legislature is said to be niggardly in its appropriations for this purpose, and citizens are expected to contribute a large share of the purchase price from their own funds.

To quote from the preface to the report:

> Illinois is developing a comprehensive system of state parks. The movement had its feeble beginning within the last decade, but the administrative code originated by Governor Lowden furnished the impetus that has accomplished important results. Until two years ago the parks were administered by a commission which scattered its efforts. In 1917 the administration code placed the supervision of parks in the hands of the department of public works and buildings, which began immediately to carry out a progressive program. The Illinois plan has as its object the improvement or reclamation of every important spot in the state that is hallowed by historic memories.

The report describes with much detail the memorials at Fort Chartres (Randolph County), Fort Massac (Massac County), the Lincoln Monument and Memorial Hall in Oak Ridge Cemetery, Springfield, the Douglas Monument in Chicago, the Lincoln homestead at Springfield and Starved Rock Park on the south bank of the Illinois River, midway between Ottawa and LaSalle. The latter contains about 900 acres of rough woodland. Its history is very interesting, as it is bound up with a good deal of the early history of the central west. Starved Rock (Fort St. Louis) was fortified by the orders of LaSalle (1682) as the beginning of the first colony in Illinois. He hoped to make it the center of the fur trade, and planned to control the mouth of the Mississippi as the beginning of a French empire in the new world. But, after many adventures he was killed by one of his followers during a journey to find the way to Canada. He was succeeded by Tonti, another of those remarkable men who will endure any hardships for the sake of adventure and the aggrandizement of their country. The fort was abandoned by order of the king in 1702, because the Indian raids had made the trading route by way of the Illinois too difficult, and in 1721 it was found by a traveler in ruins.

II. INDIANA

The Indiana state park memorial committee of the Indiana Historical Commission was created in 1916, the year of the state's centennial. It made a beginning of the state park system by purchasing McCormick's Creek Canyon in Owen County, and the Turkey Run tract in Parke County. The McCormick's Creek Canyon was acquired after the citizens of nearby communities had raised one third of the purchase price of $5,250 by private contributions. The Turkey Run property was first bid in by the Hoosier Veneering Co. for $30,200, the park committee being unable to compete. But the members did not give up, and in 1918 bought the tract from the new owners for $40,200. Let the reader draw his own moral from this story.

Some remarks of Governor Goodrich will be an appropriate introduction to the official description of Indiana state parks, four acquired and five hoped for. He said:

> The plan for a park system was not conceived by poets, but by eminently practical men, men with judgment as well as vision. Now that we have made fame and fortune as a state, it is the proper thing for us, like the individual who acquires fame and fortune, to look after the æsthetic things of life. We have been so busy building the state materially that we have, for the moment, forgotten our ancestry and the possibilities of the future.

A brief description of Indiana's parks follows:

Turkey Run consists of 480 acres of virgin timber land of very rugged topography, with several canyons of great beauty situated in northern Parke County within three miles of a railroad which runs direct to Indianapolis. This park has a modern hotel electrically equipped, modern plumbing and a complete steam heating system. It is thus made available for winter use and has come to be a very high type community center. In addition to the hotel there are frame cottages and adequate camping facilities. The attendance to the park last season was 48,000. Turkey Run became a state park in 1917.

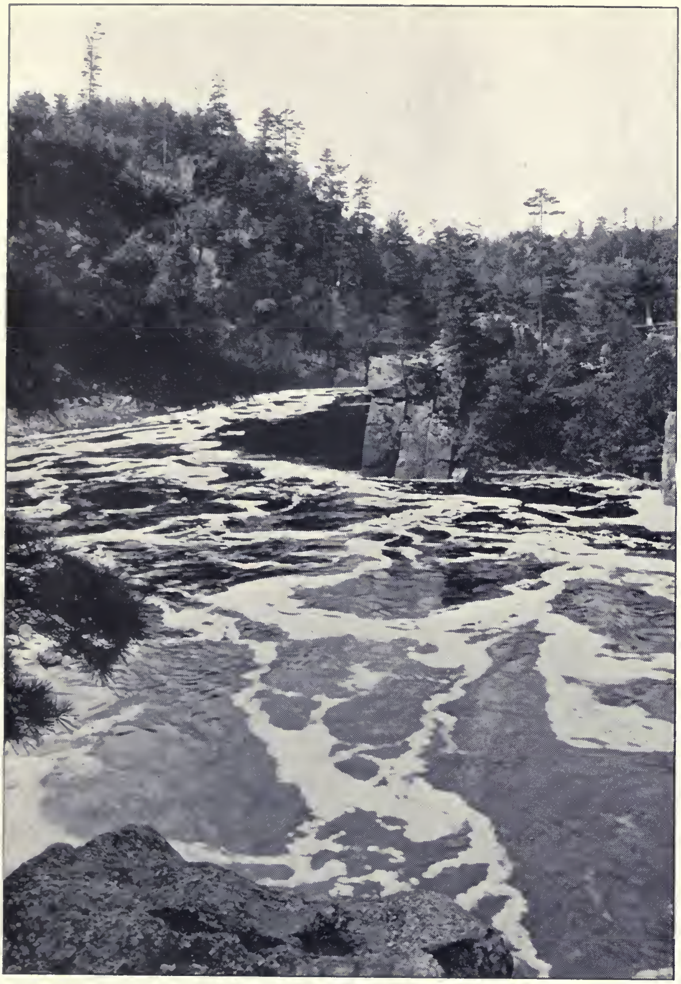
McCormick's Creek Canyon, consisting of 388 acres of timber land, with a very wide and deep limestone canyon running for more than a mile through the park, is located in Owen County, three miles east of Spencer, and is reached by the Pennsylvania railroad. The park was inaugurated in 1916. Beginning with the season of 1921, the hotel was moderately equipped. A very beautiful swimming pool has been formed by the construction of a dam in the canyon. Adequate camping facilities prevail throughout the park.

Clifty Falls, a reserve of about 400 acres, is situated in Jefferson County, one mile and a half from Madison, and is reached by the Pennsylvania railroad. It was presented to the state by the people of the city and county. It has numerous waterfalls, the largest of which is Clifty, approximately 90 feet in height. This park was acquired in the fall of 1920 and money has been provided for hotel and road development to be carried out in 1921. It has the advantage of being located within a few miles of the Ohio River, and the Ohio Valley at this point offers the most beautiful and delightful scenery in the middle west.

Vinegar Mills is a 1921 acquisition and includes approximately 100 acres lying between the old towns of Vernon and North Vernon in Jennings County. In it are the ruins of an old stone mill and along one border runs the beautiful Muscatatuck. It is situated at the junction of the great east and west trunk highway and the famous Michigan road. North Vernon is the junction point for three great railways. It is most adaptable as a camping spot for automobile tourists.

Proposed Developments

The Dunes of Lake Michigan in Indiana present an opportunity for the preservation of a great and unique natural landscape and at the same time would form a breathing space for the millions of Indiana's industrial centers



Down the St. Croix, Wisconsin Interstate Park

Proposed Park in Versailles. Negotiations are underway for the acquisition of approximately 300 acres which will include about one and a half miles of Laughery Creek, with steep, wooded slopes and provisions for many camps. This is situated on the edge of the town of Versailles in Ripley County and likewise at the junction of a road running between Cincinnati and St. Louis and another between Madison and Indianapolis. At present there are ample hotel facilities in the quaint old town and next season should see provisions for all the requirements of automobile tourists.

Clark County State Forest is a tract of 2,800 acres situated in Clark County, one mile from Henryville on the Pennsylvania railroad and having an interurban stop on the Interstate Traction Line. On this reserve will be found the most extensive and thorough set of investigations in the growth of hardwood trees in the country. The work has been going on for seventeen years and is now at its most interesting stage. This reservation is open to the public and is of especial value to people interested in forestry and in the forestation of cut-over and abandoned farms.

and Chicago. Indiana proposes a state park including eight miles of lake front and running about a mile and a half inland. In this would be the best of the dunes country and would provide bathing facilities for many thousands and camping spots ample for the crowds that would come. It is within an hour of Chicago, at the very back door of the great steel towns. Two transcontinental railways run along its border and it is readily accessible to automobile traffic.

The reserve is for the most part kept in a wild state and makes unusual hiking territory. Wild life abounds and the scenery is of great variety.

Lake Papakeechie is one of the finer small lakes of northern Indiana, abounding in fish life and having an unusual shore line. It is now proposed to have the division of fish and game take this lake over with the three hundred acres adjoining and use it for hatchery work and state park purposes. It lies at the southern end of the largest lake in the state, Wawasee, and in the northeastern corner of Kosciusko County. It is practically at the center of the great lake district of the state. It will provide an ideal summer vacation spot with fishing, swimming and boating facilities.

Riley Memorial State Park. It is suggested that the state acquire a state park in the vicinity of Greenfield, the birthplace of James Whitcomb Riley. Near the town are the spots immortalized by the bard, such as the Brandywine, "the ol' swimmin' hole" and the like. Greenfield is situated on the National Road about twenty miles east of Indianapolis in Hancock County, and would be ideal for a stopover point for transcontinental tourists.

III. CONNECTICUT

These passages from the fourth biennial report of the state park commission will summarize the situation and give an idea of the park sentiment in Connecticut about as well as it can be done.

There are now twenty-five areas designated as state parks, totaling 5,121 acres.

Our estimates of appropriations needed to carry on our plans for an adequate system of state parks include $535,000 for purchase of land and $250,000 for maintenance.

Large as these sums may seem to the citizens of Connecticut, we feel justified in asking for them, even at this time when the financial affairs of the state, as of other states, are in some confusion on account of the war, and must be readjusted to meet the conditions of peace. In these new conditions, state highways, state forests and state parks must have their place and there is no better time to demonstrate what that place is than during this readjustment.

During the war the success of army recrea-

Falls at Scarsdale, Bronx River Parkway, New York tional activities in maintaining morale awakened the cities to their own recreational needs, with the result that city parks and open spaces are fast being turned into playgrounds. There is a serious need of real parks which can no longer be filled by the cities. We heartily believe that only through the development of state parks can this need be supplied.

The report of the secretary and treasurer, Mr. George A. Parker, contains a good deal of useful and suggestive information about the managing of state parks in the early stages. For instance: "a favorable decision on the establishment of mountain and valley trails across the state and within it for pedestrians only. A narrow strip across the mountain tops for the view, up the hillsides and through the valleys—to be obtained by purchase or easement which will prevent the cutting of forest growths by private parties—with log huts for shelter every five or ten miles." "Towns are inclined to abandon unused roads. These might be used in the trail system, also in the general park system." The cleaning out of "underbrush" is mentioned. This has, no doubt, been done with due discretion. But it may be observed that "brush" so-called is, to a great extent, simply native shrubs, mostly as beautiful as any shrub foliage, and indispensable to the scenery of state parks.

The "Reflections" of the field secretary, Mr. Albert M. Turner, are commended to any reader, whether of those interested in state parks or of those who ought to be. (This means the census list.) It is too long to print here, but it is interesting to learn therefrom that Bushnell Park at Hartford was the first public park in the history of the world to be bought for that purpose (1840) with the people's money by their own vote. This is an instance of the one man power referred to several pages ago. It took Horace Bushnell five years to persuade his fellow citizens to take such an unprecedented step.

Of a total of 5,121 acres, distributed among 25 parks, 2,005 have been given, no less than 1,608 by the White Memorial Foundation, mostly in the Macedonia Brook Park. Thus, for every three acres purchased by the state for park purposes, nearly two have been given.

IV. WISCONSIN

In 1907 the Wisconsin legislature created a state park board. The law of 1907 was a well drawn statute. In 1909 the board issued a report written by John Nolen in justification of state parks (they had to be justified in those days) and containing many illustrations of the sites proposed.

Since then Wisconsin has gone deeply into the state park venture, seemingly finding the demand for them growing with the supply. The Wisconsin conservation commission, like other park commissions, has discovered that the parks must be protected against some of the people as well as made accessible and useful, and issues a set of descriptions and rules and regulations that go to show how similar are state park problems in all states.

It is to be noted that visitors have the privilege of leasing from the state any one of over 600 islands scattered throughout the lakes of upper Wisconsin. The rental is from $10 a year up. Leases are drawn for five years with first privilege of renewal in five years. In addition, lake frontage in the forest reserve of upper Wisconsin can be leased on similar terms. People are beginning to take advantage of this opportunity and build shacks or temporary homes on these lakes.

East Pontiac Canyon, Starved Rock Park, Illinois

Lately, the Northern Lakes Association, with $250,000 capital and no stock was incorporated. Its purpose is to raise funds for the purchase of about 8,000 acres in southwestern Price and eastern Sawyer counties, and to turn these lands over to the state under proper restrictions which will ensure their maintenance for park purposes for all time to come. This tract of land is said to be the largest body of virgin timber in the state. Their motto is evidently "Let Us See What Wisconsin Was."

Much of the purchase price of the parks has been paid from private funds, and one of the notable names in the history of Wisconsin state parks is that of Judge Asa Owen of Phillips, who raised $100,000 by private subscription.

Wisconsin Parks Listed

State parks and forests of Wisconsin are as follows:

Devils Lake Park, purchased, located three miles south of Baraboo, 1,400 acres, remarkable geological formations and mountainous scenery around Devils Lake.

Cushing Memorial Park, Delafield, donated to the state by the Waukesha County Historical Society, eight acres, birthplace of the famous Cushing family, the three boys of which attained distinction as soldiers during the Civil War period.

Peninsula Park, purchased, located twenty-five miles north of Sturgeon Bay on the Door County peninsula, 4,000 acres, a well wooded area along the Green Bay shore, and possessing remarkable bluffs and shore line characteristics.

Brule Park and Forest Lands, located at Brule, Douglas County, donated to the state by the Weyerhauser Lumber Company, 5,000 acres lying along the Brule Valley.

Pattison State Park, located twelve miles south of Superior, donated by the late Martin B. Pattison of Superior, 660 acres, contains the highest waterfall in the state of Wisconsin.

Interstate Park, located at St. Croix Falls, purchased, 580 acres of rugged land along the Dalles of the St. Croix River.

Perrot Park, located near the village of Trempealeau, Trempealeau County, 590 acres, donated by John A. Latsch of Winona, Minnesota; part of the bluff lands along the Mississippi River and the location of old Fort Perrot, the wintering quarters of many of the early Wisconsin pioneers.

Nelson-Dewey Park, located at the junction of the Wisconsin and Mississippi rivers, 1,800 acres, purchased, probably the most outstanding point of the bluffs in the upper Mississippi valley.

Besides the above mentioned properties the state owns upwards of 300,000 acres of school lands, which have been protected from fires and which have been administered as state forest lands for a number of years. The ultimate disposition of these lands has not been definitely ascertained as yet. Some of them possess high agricultural value and unquestionably will be sold, although the legislature may see fit to set aside other areas as park and forest properties.

V. IOWA

Park lovers in Iowa are very active all over the state, which is probably the reason why Des Moines was chosen (at the suggestion of Secretary Payne of the Department of the Interior) for the National Park Conference last January.

The state parks of Iowa are managed by the state board of conservation created by the thirty-seventh General Assembly to "advise towards the ends of creating and maintaining state parks of half the gun license income." It was empowered by the thirty-eighth General Assembly to accelerate the plan and $100,000 per year was set aside for this purpose.

The methods of acquiring and using park lands in Iowa are somewhat unusual, and quite refreshing. The working of the law may be illustrated by the acquiring of the state park at Estherville. "All the state requires is that Estherville purchase eighty of the 400 acres. The Chamber of Commerce is back of the proposition, but wants to know if the people are back of them and will help finance it to the extent of buying some of the land. So the fraternal organizations and clubs of the city are each buying an acre or two." All which goes to show that the Iowans mean to have parks and do not wait for someone to come and help them. The park law seems to be based on the principle of making those most directly benefited pay their share of the cost, and of discouraging park movements promoted to gain local benefits at the expense of the whole state.

As an example of the use of parks in Iowa may be mentioned that at Keosauqua, where an Iowan may go and pick out a site, hold it rent free and build thereon his own summer cottage to which he may return year after year! Under proper restrictions, this would seem to be an excellent privilege, and likely to give the parks a strangle hold on the popular sympathy.

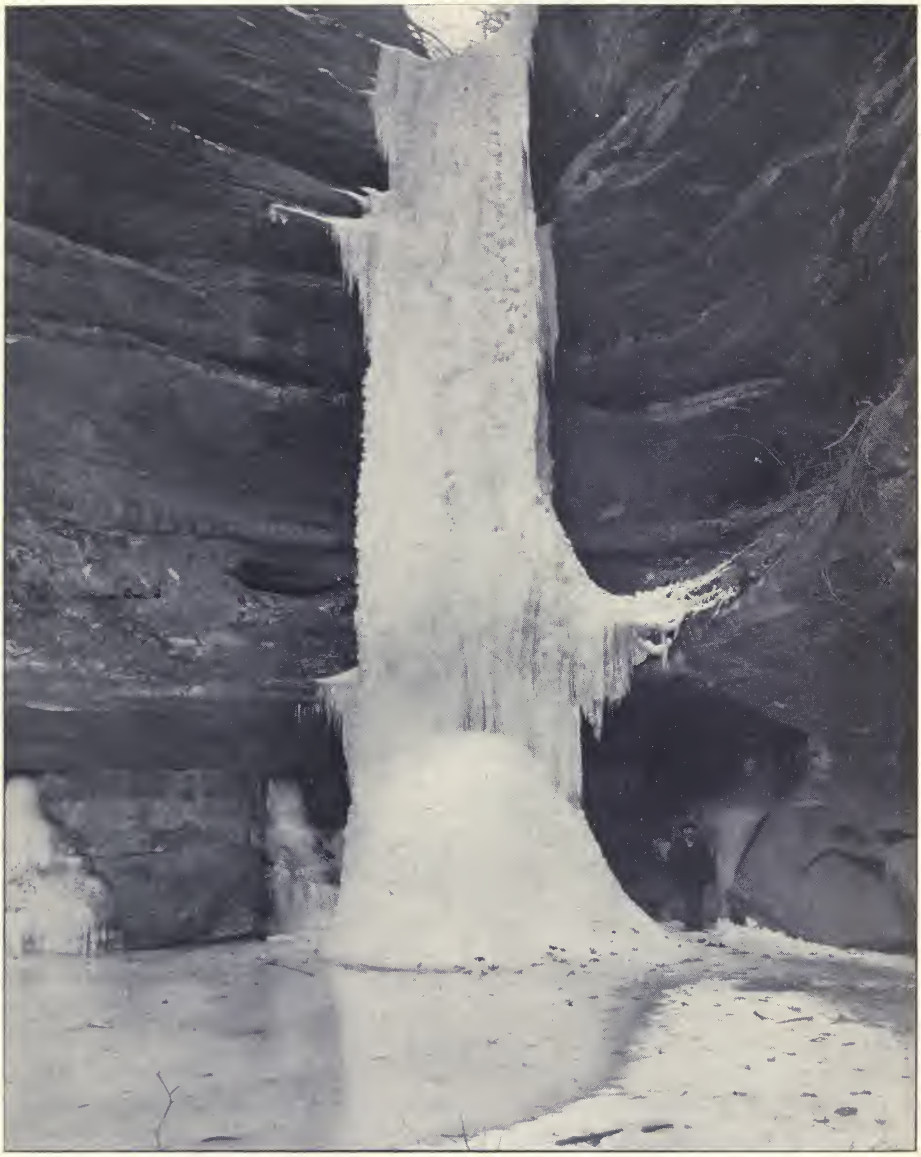
The state board of conservation probably represents the Iowan point of view of the park question with accuracy, and some of its outgivings are worth quoting.

> The chief reason for the intensive park system in this state is, that because of the great value of Iowa land, and because of the fact that an overwhelming proportion of the land in this state is tillable, there seemed at one time to be a danger that there would be no land left for the public to enjoy. People from the cities, and, in fact, a large proportion of the country population found itself unable to go anywhere on Sundays or holidays without finding its progress impeded by barbed wire or threatened by shorthorn bulls. All the beauty spots seemed to be under cultivation, fenced off from the public. To remedy this situation, the present intensive park system was inaugurated.
>
> A conservative estimate leaves 5 per cent of the land in Iowa which is not under cultivation. Yet, within the limits of that 5 per cent is some of the most gorgeous scenery of the state. 'In Iowa it is but a short trip from prairie land to fairy land,' says a local enthusiast of a poetic turn of mind. 'You can see a natural bridge rivaling that of Virginia; caves of equal scientific interest with those of Kentucky; hills, valleys, plants and fossils the glaciers left untouched, grottoes in which ice forms while the sun melts the corn; lakes rimmed with boulders man cannot move, lakes like those of Switzerland. Stretches of the stone which is the foundation bedrock of our world rise in a forty-acre plot above our soil. Great hills on our Missouri River coast rise towards the clouds without a pebble in their structure. They were blown in drifts from the Nebraska plains before man was born. You can retrace the Mormon trail, the course hundreds of thousands took across Iowa in covered wagons and ox teams. You go through the region of the lower Des Moines, more interesting in the story of the state than is the lower James in the story of the nation. But you cannot go in swimming, boating, camping, fishing nor play ball, unless in cities, without encountering signs 'No Trespassing.'

Scenery such as this is excellent material for state parks, and as one reads, it becomes easy to understand why the Iowans are so enthusiastic on the park idea. They have nowhere else to go. And Iowa conditions will be repeated in many other states as time passes and lands are absorbed by private owners.

VI. PENNSYLVANIA

Pennsylvania to-day has five state parks, as follows: Valley Forge Park,



Ice Pillar in St. Louis Canyon, Starved Rock Park, Illinois

Montgomery County; Camp Curtin Park, Harrisburg; Fort Washington Park, Montgomery County; and the Snyder Middleswarth Soldiers' Park at Erie (in a state forest). The first three contain 1,861.4 acres. In addition Pennsylvania has 1,108,476 acres of state forests.

This does not look as though Pennsylvania had yet risen, as no doubt she will do, some day, to her park opportunities. No state has been more efficient in denuding and destroying her natural scenery, and few, if any, have more and better motives for preserving some of it. Pennsylvania has been on the map a long time, and will probably remain there longer still, so that there is still time left for her to take up her park problem with the attention that it merits and the resources of this great state justify. She has not yet quite outgrown the reckless period of her youth, but will, no doubt, settle down and regard more seriously her inheritance of natural scenery and her duties towards it.

VII. NEW YORK

The state park system of New York is so extensive (forty reservations including state forests, in all over 1,900,000 acres) that space will not permit a detailed description of them.

There are in New York forty properties, parks and buildings, owned by the state, which come under the description of scenic, scientific and historic monuments. Some have special historical interest, as Washington's Headquarters at Newburgh. Some are large forest reserves. Letchworth Park at Genesee Falls contains an arboretum to be a permanent collection of the world's timber trees likely to thrive in this climate. Palisades Interstate Park and Bronx Parkway merit special attention.

The Bronx Parkway

This is a very large and important undertaking, shared by the city of New York and Westchester County, the latter paying one quarter of the expense.

The Parkway commission states the primary object to be the preservation of the Bronx River from pollution, but the restoration and preservation of scenery has been an incident of crucial importance, and the building of the motor boulevard itself is a great recreational work; but the camping, fishing and other pleasures conspicuous in so many state park reports are absent from this one. This is owing to the character of the parkway, which is not suited to such uses. All which goes to show that, though New York may have its faults, it is willing to pay large sums to have scenic parks within its borders.

In 1903 the final approval of the New York board of estimate made it possible for the Bronx Parkway commission (three commissioners chosen by the governor for five year terms) to proceed with the reclamation of the Bronx River valley. From White Plains south the river had been used as a sewer by the various communities through which it passed, and had become not only a nuisance to Bronx Park, but a serious menace to public health. Furthermore, since the city owned a watershed reservation of thousands of acres in Westchester and Putnam counties reaching the Bronx River valley, it was clear that an unobstructed way for motor traffic to the north would be of great value to the city. The only real answer to these various problems was to take over the river channel and sufficient adjacent area to provide a parkway for perpetual public use.

The work of acquiring title to the necessary land was very long, costly and complicated, but is now nearly complete. The stream is now unobstructed and unpolluted; many buildings have been removed; extensive operations of removal of débris, grading and planting have been carried on; and the entire course of the stream bids fair to be beautiful as well as wholesome, the latter condition being most important by reason of the thousands who enjoy bathing and other water sports in the stream. To those who do not remember the previous condition of the Bronx River, the changes can best be explained by the numerous "before and after" photographs in the possession of the commission.

The report of the commission states that the cost of acquiring the land has been considerably over $5,000,000. It goes on to say that the cost would have been far less if the work had been authorized some years earlier, and before factories and other structures had been erected on the reservation. This is one more testimony to the danger of procrastination in acquiring land for parks.

VIII. NEW YORK AND NEW JERSEY

Palisades Interstate Park

The park was created in 1900 by the states of New York and New Jersey to stop the destruction of the palisades and preserve them as a park. In 1906 the reservation was extended to take in Hook Mountain and in 1910 again extended north to Newburgh and westward to include the Ramapo Mountains.

It is controlled by an unpaid commission appointed by the governors of the two states and supported by appropriations from the states and by private contributions. To date, 1920, $13,119,418.75 has been put into the park in acquiring lands and general development work. Of this amount New York state supplied $5,963,526.48; New Jersey $727,903.09; and private contributors $6,427,990.18.

There are 1,000 acres in New Jersey extending for twelve miles along the Hudson River; 550 acres in the Blauvelt tract west of Nyack, 780 acres in the Hook Mountain-Rockland Lake section, and 33,708 acres in the Bear Mountain-Harriman section.

Much forestry work has been done, and more than 5,000,000 young trees and many native shrubs have been planted. One hundred and forty-nine kinds of flowers, 96 trees, 38 animals, 151 birds and 36 fish found in the park are listed. Lists of shrubs, butterflies, moths, reptiles, insects and geological specimens are not yet completed.

The commission operates two large steamers carrying, respectively, 2,000 and 3,000 passengers. They make daily trips between New York, Jersey City and Bear Mountain. Fares charged are intended to cover only expenses of operation and maintenance.

Every encouragement and facility is offered to camping. On the most picturesque lakes are standard mess and play pavilions all designed to harmonize with natural surroundings. Standard equipment is sold or rented. Cooked food based on a dietary by experts is sent in heat-retaining receptacles to the camps. Natural history exhibitions, musical and other entertainments are frequently arranged for visitors.

Anyone who travels in this park is likely to be struck by the fortunate survival of so much superb scenery so near a great city, if not uninjured, at any rate not destroyed, and easily capable of being restored in the course of time to its original condition.

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THE OUTLINE OF AN IMPROVED METHOD OF CONDUCTING ELECTIONS

WITH DISCUSSION OF THE DIRECT PRIMARY

SUBMITTED BY THE COMMITTEE ON ELECTORAL REFORM OF THE NATIONAL MUNICIPAL LEAGUE

I. Introduction

Purity and accuracy in elections are essentials of popular government. But purity and accuracy in actual practice are in many parts of the country only attained to a degree, and nowhere is there satisfactory freedom from suspicion of dishonesty and error. We do not have properly conducted elections. Scandals are constantly occuring to shock the public conscience, but the vast majority of frauds and errors are never revealed.

With the election law, as with so much of our governmental machinery, we have sought popular control and assurance against irregularity through checks and balances. But ideas are changing and it is time to apply the simplification remedy to election methods.

A SINGLE RESPONSIBLE HEAD

Simplification is, therefore, the motto of the Electoral Reform Committee. In the suggestions which follow, authority and responsibility for the conduct of elections is centered in a single commissioner chosen by the governing body of each county or of each city of 50,000 or over. This commissioner appoints the various precinct election officials who also act as the registration officials. In making such appointments the commissioner must use an examination process of his own, or ask the civil service commission to pass on the fitness of candidates. He may train these officials in their duties by formal methods; he may call upon any teacher in the public service to act as an election official, or upon any citizen. The precinct officials need not be residents of the precincts in which they serve. The precinct board consists of three inspectors, and in those places where bi-partisan representation is no longer adequate the three leading parties are to be represented thereon. Personal registration of voters at least thirty days before the election is required in all cases, and annual renewal is required in places of 2,000 population and over. One element of registration is the signature of the voter, which is believed to be the best means of guarding against false registration and impersonation. The publication of registration lists is compulsory, and a reward of $100 is offered for the evidence of fraudulent registration. Verification of lists by the police is proposed, and the commissioners in large cities are authorized to maintain a special agency to detect fraud. The records and forms are reduced to a minimum. Only two copies of the registration book are made, and the same book serves for registration, primary, and election records.

The chairman of each precinct board is named by the commissioner. The chairman is to make all decisions on his own responsibility, with opportunity for the other members and the watchers to record a protest. The Massachusetts' ballot is recommended, it being time people stopped voting for eagles and roosters and voted for candidates. The coupon ballot is adopted as a means of guaranteeing that ballots will be voted only in the booths and in order that the precinct board may be compelled to account for every ballot furnished it.

A campaign information pamphlet at public expense is deemed advisable, which shall contain a facsimile of the official ballot and will afford a cheap opportunity to each candidate to state his case to the electorate. A residence requirement of 30 days in the election precinct is suggested to check the possibility of fraud which arises if persons may vote on the very day they move into a district. Ability to read and write English and to sign one's name is also proposed as a qualification for voting, among other reasons, to eliminate the assistance evil, and make readily possible the use of the Massachusetts' ballot. The chairman of the precinct board is responsible for directing the count of ballots, and simple tally and return sheets only are provided, the evidence at hand indicating that complex procedural requirements are generally disregarded and worthless. Recounts are made easy and cheap. This will act as a deterrent to those who would practice irregularities in the belief that concealment is probable, and will encourage care on the part of the precinct board. The general aim of the committee is to substitute public understanding of election machinery and responsibility of officials for the present complexity, uncertainty and confusion. Elections are, like every other operation of government, conducted by men and no artificial, impersonal safeguards will be proof against the scheming of dishonest or the clumsiness of ignorant officials. It seems wiser to give substantial power to few persons and require them to act with the public's attention upon them.

The committee has made no recommendations with respect to absent voting and the use of voting machines, believing that both are still in the experimental stage. At least half the states have absent voting systems. On the whole they do not seem to be availed of to any great extent, although the percentage taking advantage of the absent ballot varies considerably among the various states. Some states report frequent fraud; others report entire absence of crookedness. Careful safeguards are necessary and these may be so constructed as to make absent voting very burdensome.

The use of the voting machine seems to be growing. It is claimed that machines are now built so that outsiders cannot tamper with them, and the count is prompt and accurate. Some makes at present, provide a party column, and this fact plus the timidity of many voters when faced with a piece of machinery with which they are not familiar will encourage "straight ticket voting."

THE KEY TO A GOOD SYSTEM

The key to a satisfactory election system is the precinct judge or inspector. The incapacity and frequent dishonesty of such officials is appalling. Popular elections secure about the poorest specimen that could be found. Appointment by a superior authority is proving much more satisfactory. Where the appointing authority takes some pains and exerts effort to secure competent election officers, such are forthcoming. The Detroit election commission has seriously tried to get good men or women, and it is generally agreed that they have succeeded.

The committee believes in the appointive principle, but recommends that responsibility be placed in one person rather than in an ex-officio or bi-partisan board. American experience has demonstrated that, as a general rule, administrative appointments by boards or commissions do not measure up to appointments by a single, conspicuous official, who cannot sidestep responsibility (praise or blame) for the calibre of people he appoints. This is sound short ballot doctrine which should be carried over to our election machinery. *Simplicity, responsibility, ability, are the considerations which the committee have had before them in framing their report.*

In conclusion we may state, that the recommendations below apply to the usual form of partisan elections. Where non-partisan elections or proportional representation are adopted, appropriate modifications will have to be made in our suggestions. It has been our purpose throughout to improve the technique of our present system.

Special acknowledgment is due to Dr. Ralph S. Boots, who very generously contributed largely of his time and special knowledge as secretary to the committee. Without his leadership this report would have been impossible.

The membership of the committee on electoral reform is as follows:

Albert S. Bard, president Honest Ballot Association
Harry Best, University of Kentucky
Ralph S. Boots, University of Nebraska
H. W. Dodds, secretary National Municipal League
Mayo Fesler, secretary Brooklyn Chamber of Commerce
Hon. Edward R. Finch, justice of the Supreme Court of New York
C. G. Hoag, secretary Proportional Representation League
Lewis Jerome Johnson, Harvard University
Hon. John C. Lodge, president Detroit City Council
F. L. Olson, Bureau of Municipal Research of Minneapolis
Stephen K. Rapp, formerly secretary Honest Ballot Association
Hon. Samuel B. Scott, Philadelphia
Shelby M. Singleton, secretary Citizens' Association of Chicago
Clinton Rogers Woodruff, president Philadelphia Civil Service Commission

II. REGISTRATION OF VOTERS

1. **The Registration Officials** in an election district or voting precinct should be the same as the election officials.

There is no reason for employing many persons in connection with the electoral process, unless it be the partisan one of influencing a few voters by petty patronage. The greater the duties of an officer the more likely he is to attract attention to his selection and official functions. Furthermore, registration duties may enable officers to act more effectively as election officers, especially in detecting unqualified voting.

2. **Personal Registration** should be required in all cases.

The purpose of preliminary registration is to prevent various forms of fraudulent voting and to settle questions of qualification before election day. A number of states require personal registration only in places of five or ten thousand population. The assumption is that in smaller places the election officers know the persons qualified to vote. This is perhaps true in rural districts, but many smaller places adjoin more populous areas and are just as liable to corruption as the larger cities. Moreover, in cases where the usual provisions for registration are not applied to local elections, such as town and school district elections, some of the sharpest practices have come to light.

3. **Personal Registration in Cities of 2,000** population or more should be required before each general election.

The necessity for such registration is generally conceded for larger cities. Such practice materially reduces the chances for fraud. Shocking cases of fraud have been disclosed in cities as small as 2,000 which would have been extremely difficult if personal registration had been required each year or two.

4. **In Cities of Less Than 2,000** and in rural districts, personal registration should not be required before each general election, but the registration officials should register for each election all who voted at the preceding general election except those who are known to be no longer voters within the district. Opportunity should be given all who are not thus automatically registered to register in person. Representative party officials and all interested electors should be privileged to inspect the registration lists.

Permanent or semi-permanent registration would probably be most desirable in all areas were it not for the difficulty of preventing fraud. This should be adopted wherever and whenever fraud can be reasonably guarded against. There is nothing to be gained by making the voters' duties difficult.

5. **The Last Registration Day** should be at least 30 days before the election in order that the registration lists may be properly verified.

Here the choice lies between making it possible for the qualified voter to vote, although qualified only at the last minute, and that of taking sufficient precaution against unqualified voting. It seems better to play safe.

6. **Registration in Rural Districts.** Those who are not carried over on the registration lists from the preceding general election, *i.e.*, old voters who did not vote at the last election and whose names would, therefore, be erased from the rolls (see section 4 above), should be allowed to register at any time prior to 30 days before election by personal appearance before the village or township clerk who should be required to certify the fact of registration to the members of the election board of the district in which registrant resides.

This proposal seeks to avoid the necessity of a general registration day for residents of villages or rural districts by allowing them to register at any time up to within 30 days of the election. The number who will need to register before each election will be small.

7. **Qualifications of Voters.** A voter should be 21 years of age, a United States citizen, a resident within the state for one year, and for 30 days

a resident of the election district in which he offers his vote. No person should be qualified to vote who has been convicted of treason or felony unless restored to civil rights, nor anyone guilty of receiving money or compensation for giving or witholding his vote, nor anyone guilty of offering or paying money or compensation to another for giving or witholding his vote. No one should be permitted to vote who is unable to read English and write his name.

The 30-day requirement in election districts will undoubtedly disqualify some persons who have moved just before election. These are allowed to vote in some states. The danger of fraudulent voting, however, and the need for peculiar machinery to take care of their registration, makes it better to fix a 30-day residence requirement. The requirement of literacy will disfranchise few and remove all necessity of providing complex arrangements for assistance to illiterates in voting, and the use of identification questions, etc., with their opportunity for fraud and undue influences and for delaying the voting on election day.

Ability to read and write English is already required for naturalization. This requirement would aid in enforcing the Federal rule which naturalization courts sometimes overlook.

8. **Correction of Errors in Registry.** On protest to the election board, the board should be empowered to correct prima facie errors on the registration lists.

This relates merely to clerical errors on the record which the board should have power to correct. Of course, appeal to the courts is always open to the dissatisfied applicant.

9. **Verification of Lists.** Registration lists should be checked to assure their integrity. This may be done by the police, but if so, some system should be applied by which the reports of the police may be readily accessible to party workers and by which each policeman would be held personally responsible for the verification of each registrant in the territory assigned to him.

Frauds, except in the count, are perhaps most prevalent in registration in large cities. Prevention of false registration is checking the evil at the source. Ex-commissioner of Police, Arthur Woods, of New York City, reports that police checking is effective if the police wish it to be effective. The problem is to place a responsibility on the policeman which will prove an incentive to zealous work.

10. **A Permanent Agency to Detect Fraud.** A permanent agency to detect fraud should be established in each county and large city. It should be under the election commissioner to be described hereinafter. Except in the largest cities it would not require an extensive staff.

Other means than the check-up by the police will, especially in the larger cities, be necessary to prevent extensive frauds. The reward mentioned below (Section 11) plus party watchers and the police, may be sufficient in most cases, but in big cities particularly, and probably in smaller towns as well, the election commissioner should be charged with the duty of enforcing the election law in this respect.

11. **Publication of Lists and Reward for Evidence of False Registration.** Registration lists should be published three weeks before election in addition to being posted at the polling places. A reward of, say $100, should be offered for the presentation of evidence leading to the conviction for false registration of any person whose name appears on the list.

Publication is simply to give to any elector a chance to learn of improper registration. Unless there is objection to the reward offer on principle, there seems to be no reason why it would not be effectively used. It is generally certain that someone knows of every false registration (someone besides the offender), and that in many cases someone is paid for assisting in its perpetration. This reward makes it profitable to aid in convicting for false registration.

12. **Challenges.** Any qualified voter or watcher should be permitted to challenge applicant for registration. The challenged person should be compelled to answer appropriate questions under oath or affirmation and satisfy election officers, who should verify answers of applicant. If applicant refuses to answer questions under oath or affirmation he should be arrested. If registration is denied applicant he will have the right of appeal to the courts.

13. **Character of Information to Go in Registration Book. Importance of Signature Check.**

a. The record of voters at registration, enrollment, primary poll and general election poll should all go in one book. For fear that the original copy may be tampered with, stolen or accidentally destroyed, two copies should be made up concurrently by the election board.

The system of preventing fraud by triplication, and quadruplication of registration information by several officials at the time of registration is faulty. As a matter of practice, one election officer determines what is to be written, writes it in his own book and tells the others what to write in theirs. Careful recording in two books is much better than careless keeping of four. Besides, the money saving is very considerable.

b. Minimum information necessary to registration should be name, residence, place of birth, age, when and where naturalized (if foreign born), record of last registration, length of residence in state, in election district, residence at time of last registration, signature, and in cities of over five hundred thousand, business connection and location, number of room and floor of residence, and full name of the householder with whom elector resides. Voter's signature on registration should come at right of record to be followed by blanks for signature at primary and general elections.

c. Space should be left in primary poll columns and general election poll columns for signatures of voter for comparison with signature at registration.

The signature is, after all, the chief check against impersonation and false voting. If only qualified voters register the proper use of the signature check practically prevents fraudulent voting. If the voter signs on election day in a different book from that containing his registration signature, comparison is difficult and frequently altogether disregarded. If the election signature is required to be placed immediately next to registration signature, comparison is easy both for election officers and watchers.

III. ELECTION OFFICERS[1]

14. **Election Commissioner.** There should be one commissioner of election in each municipality of 50,000 or more. He should be appointed by the governing body of the municipality. Cities of less than 50,000 and the rural ter-

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[1] One member of the committee, Mr. John C. Lodge, president of the Detroit City Council, finds himself unable to endorse the single commissioner plan as set forth in Sections 14, 15 and 16, preferring the board plan as in Detroit. In that city the president of council, the recorder and the city clerk form the *ex officio* election commission. The success of this plan in one city leads Mr. Lodge to believe that a board composed of elective officers chosen on a nonpartisan ballot (as in Detroit) functions more responsively and efficiently.

ritory within the county should be under the jurisdiction of one commissioner of elections appointed by the governing board of the county. The election commissioner should be appointed for a term of years subject to removal by the appointing body, and should receive a stipulated salary.

The bi-partisan board has broken down in practically every field of administration. Its use, however, remains very generally in the matter of elections. The purpose is simple—to have one party watch the other. This leads to the appointment of staunch party adherents who unfortunately are not always content to check the illegal actions of the member of the opposite party, but may try to outwit him in the commission of irregularities. Further, there are usually more than two parties in the field and bi-partisan boards afford third and fourth parties no protection. The use of a single official places emphasis on honesty and ability, not partisanship, and centers responsibility in keeping with modern movement for efficiency.

15. **The Local Election Officers** of the voting precinct should be three inspectors chosen by the election commissioner; one inspector to be chosen from each of the three largest political parties, if there be three, if not, only two should be of one political party. The election commissioner should name one as chairman of the board of inspectors. No other election officers are necessary. The inspectors should not be required to be residents of the district in which they serve. They should be well paid.

Popular election of inspectors or judges of elections is very unsatisfactory. It is a small administrative office which should never clutter up a ballot. Appointment, as in Detroit where precinct officers are named by the elections commission, is proving much more satisfactory.

Every effort to improve the administration of elections leads in the end to the local precinct board. Given honest precinct officers almost any form of election can be honestly and efficiently conducted. Given dishonest, incapable precinct officers and no amount of detailed regulation avails anything. Choice by the commissioner makes it possible to charge him with any case of dishonesty or incapacity. He will use care in appointment if his shoulders alone bear the burden of mistakes. He should know the law and the qualifications desirable. The third party representative is likely to be a good check on each of the others; and if checks are desirable there is no reason why the smaller party should not have a representative. Numerous election officials only clutter the operation. In practice one or two always do the work and determine decisions, frequently counting and recording the vote with the consent of the other members. The chairman should make all decisions subject to a record of protest by other members if they wish. Let him bear the weight of the responsibility. Numerous election officers constitute petty spoils to help maintain the organization.

16. **Selection of Local Officers.** The election commissioner should be authorized to prescribe qualifications for inspectors, and required either to provide a public examination for the selection of eligibles or to delegate this to the civil service commission. Public school teachers should be eligible without examination. In order to facilitate the reappointment of inspectors those who served satisfactorily in the preceding election should not be required to undergo an eligibility examination. The election commissioner should conduct a school for the training of inexperienced inspectors prior to election. It would be well to

pay them for the few hours they are in attendance at school.

It is very desirable to have as election officers persons who have a stake in the job. The casual officer, paid a few dollars for a day's service, has no great restraining influence to buttress him against the temptation of corrupt offers. The teacher has a position at stake. Perhaps teachers should be compelled to serve and other persons should be used only to fill up the necessary quota. This has been recommended by prominent Americans. Municipal officers in England assist in elections as a matter of course, either as poll clerks, presiding officers or in some other capacity. A little pay will often induce much greater attention to work than gratuitous service will command, even in case of persons who do not need the money and would prefer not to accept the positions at all.

IV. THE ELECTION PROPER

17. **Election Districts.** Cities, villages, and towns of less than 400 voters should form an election district. Cities and towns with more than 400 voters should be divided into districts by the election commissioner, each district to contain as nearly as possible 400 voters. In municipalities of more than 50,000 the districts should be determined by the election commissioner for the city. In municipalities of less than 50,000 and in the rural territory within a county, the districts should be determined by the election commissioner for the county. Each incorporated city or town should form one district unless divided. Each township (or whatever the appropriate rural unit within the county may be) should form one district unless divided.

Here again further duties are placed on the commissioner. The plan is to make his job so important that a poorly qualified man could be appointed to it only in the face of pronounced opposition of the voter. When the ballot is properly shortened precincts may contain more than 400 voters in populous areas.

18. **The Ballot.** Names of candidates for each office should be arranged under the description of the office (this is the so-called Massachusetts ballot). The coupon ballot should be used. The names of the candidates for the same office should be rotated (as in Minnesota, Oregon and other states). Ballots, stationery and equipment of polling places should be provided by the election commissioner, except in cases in towns of less than 50,000 where municipal officers alone are chosen. The cost of the election should be a charge upon the county except in case of special municipal elections, which should be a charge on the municipality concerned. Questions to be voted on should be on ballots separate from the ballot of candidates. Candidates for presidential electors should be on a separate ballot, or else their names should be taken off the ballot entirely as in Iowa and Nebraska.

The coupon or numbered stub ballot is intended to compel the election officers to account for every ballot furnished them and also to insure that every voter will cast the ballot furnished him at the polls, and not one already marked and in his possession. The separate presidential ballots are more easily counted (nearly always "straight") and help to enable the voter to free himself from national party influence in local matters.

19. **Challenges.** Each political party or organization which has nominated candidates at the election should be permitted to appoint two watchers for each polling place, one only to be on duty at a time, and each candidate at the primary two watchers, one only to be on duty at a time. Any qualified

elector should be permitted to challenge any person offering a vote.

The fullest publicity of the elective process, which does not interfere with its efficient operation, is desirable.

20. **The Count.** The chairman of the inspectors should direct the count. Any inspector or authorized watcher should be authorized to record a protest against any decisions and file it with the returns. Returns should be made to the commissioner of elections under whom the precinct inspector served. He should be charged with the responsibility of sending municipal, county or state returns to the proper officials. Duplicate copy of returns should be sent to the county clerk. When the ballots have been counted they should be tied in packages which should be sealed and returned to the ballot boxes. These should be locked and sealed before the inspectors separate or adjourn. The ballot boxes should be delivered promptly to the election commissioner, who should keep them inviolate for six months. All tally sheets or returns delivered to the election commissioners should be kept inviolate for two years. Complicated procedure in making the count should be eliminated. A simple tally sheet and a simple return sheet (both combined into one, perhaps) should be uesd.

All efforts to provide detailed methods of tally are usually futile. The officers simply will not use or observe them unless compelled to do so by disinterested watchers and police threats. The short course is the one that will be taken. The reason is that usually the required methods are slow. Here again complexity and unwieldiness is the result of striving for automatic honesty by check upon check. The better plan is to let the chairman of inspectors use his own methods and try to make him capable and honest, and allow the other inspectors to record fully a protest against any procedure with which they do not agree.

21. **The Recount** should be easy and cheap. Any candidate who believes himself aggrieved on account of fraud or mistake should be allowed to apply for a recount to the election commissioner on depositing $10 for each district, but not over $100 in case of candidates for county or municipal offices, or $250 in case of candidates for state offices or for United States senator or representative. If the recount goes in favor of the contesting candidate, his money should be refunded. On notice to opposing candidates the election commissioner should conduct a recount in presence of candidates or counsel. Appeal would lie from the commissioner's decision on the recount to the court.

Easy recount means the possibility of bringing to light any election irregularities and tends to induce care and caution on the part of election officers. A recount is often unduly prolonged in order to make little extra jobs for friends of the organization. It should be made rather a task for a good accountant. Rarely do serious and at the same time decisive conflicts over the validity of ballot marking arise. These, of course, may demand judicial interpretation.

22. **An Official Campaign Book.** An official campaign bulletin should be sent to each voter two weeks before a regular election. The first page should be a copy of the official ballot. The other pages should be devoted to statements, explanations or arguments of candidates, whose names appear on the ballot, to be furnished by the candidates.

Campaign bulletins are common in connection with the initiative and referendum. It is here suggested that the plan which works well when measures are voted on will work well when men are to be voted on. It also puts a candidate on record in an inescapable way.

THE DIRECT PRIMARY, PRO AND CON

These proposals are put forward not as recommendations but as subjects for discussion. They are followed by statements of adverse criticism, and a defense of the direct primary. The direct primary has not given 100 per cent satisfaction. The anxiety of many political machines, however, to return to the old nominating convention indicates that it has not fully failed of its purpose. Whether or not these proposals represent an improvement over the direct primary as generally employed is a question on which the committee is unable to agree.

It is believed by many that the scheme here presented will democratize party control and party nominations, and at the same time preserve party leadership and party responsibility. The committee believe that these are desirable ends but are not confident, as a body, that the means here outlined will attain these ends.

The direct primary, as well as the presidential preference primary, is deserving of more national discussion than it has yet received. It is with this in mind that the following proposals are made.

I. Suggestions for a Modified Direct Primary

1. At each general election (or, if the time until the next general election be longer than one year, then at the municipal election preceding the next general election) each voter shall be given an enrollment blank on which he may indicate the party of which he desires to be considered a member for the purpose of participating in the selection of its party committee at the succeeding general election. However, the method employed at present in some states—enrollment at the registration preceding the election, as in New York—may not be objectionable to most persons.

2. In addition to the officers elected at the general election, there shall be elected by the enrolled members of each party, one party committeeman or party representative from each election district. The candidates of the various parties for this position shall be printed on separate party ballots; or if preferred, all parties may combine on a blanket ballot arranged in party columns.

3. Each voter shall receive the party committee ballot of the party with which he enrolled previously, as in paragraph 1 above, just as at present. Each voter at the closed primary should receive only the ballot of his own party, or if the ballots were combined, his vote would only be counted in the column of the party in which he enrolled.

4. Candidates for party committeeman shall be designated by petitions of five signers. The signers shall be enrolled members of the party for which they designate a committeeman, but they should be permitted to reside anywhere in the state. Any group of five enrolled voters of the state would thus be able to designate a party committeeman in each election district of the state. The names of those signing each petition should probably be printed on the party committee ballot.

5. About ten weeks before the general election each year the party committeemen of each party from the election districts in each assembly district shall meet in a body under the presidency of some public official and select the party candidate for assembly. On the same day the party committeemen from each election district in each senatorial district shall select the candidate for state senator. In the same manner the party candidate for Congress shall be selected. For state offices and United States senator, the candidates shall be selected by party

representatives or delegates, one from each assembly district, chosen from and by the party committeemen of each assembly district. These same persons may or may not be considered the state committee of the party. Probably they should be so considered. These committeemen for the state area could be directly elected by the party voters, in the manner described for the precinct committeemen, if considered desirable.

6. In every case the party committees shall select the party candidates from those persons for whom petitions have been filed at least two weeks previous to the meeting of the party committees. The petitions of these persons should be signed by duly enrolled members of each party residing anywhere in the state and the number should be twenty-five for an assembly district and a corresponding number of the larger districts, not to exceed five hundred for the state at large, and the signers should, in a single petition, be permitted to prepare a complete set of candidates.

7. The signers of each petition shall be made known to the party committee members. Each committeeman shall record his vote. The votes shall be published in a paper having general circulation among the members of the party.

8. Within four weeks after the party representatives shall have designated party candidates for nomination to the various offices to be filled, the enrolled voters of the party shall have the privilege of designating by petition other competing candidates for the party nominations. For assembly designations only twenty-five signers should be required and for the state officers not over five hundred, as in paragraph 6.

9. In case no designations in addition to those made by the party representatives should be made, then no primary election will be held. That is, a primary will be held only when there is a contest for the nomination between the candidates designated by the party representatives and one or more candidates designated by the independent petition of the enrolled party voters. Should there be a contest only for the gubernatorial nomination, let us say, in the Republican party, the ballot for the primary would contain only the names of the contestants for this office.

10. The primary will thus become a party referendum on the work of the party representatives who will thereby be made definitely responsible, collectively and individually, for the candidates they propose to the voters. Every element of popular control now existing will be preserved, and the primary will become more of a real test of the popular character of the designated candidates than it is at present.

11. In states where personal registration is required and a certain day or days fixed for it, the primary here proposed can probably be conducted on one of the regular registration days, inasmuch as there will be, in all likelihood, comparatively few contests.

12. The enrolled voters of each party shall be allowed to vote only in the primary of the party with which they have previously enrolled. That is, a voter will enroll one year for participation in electing the party representatives the next year at the general election, and the same enrollment will be valid for any primary which might be necessary following that election and preceding the second general election after enrollment.

II. Defense of the Above Proposal and Additional Explanations and Suggestions

The present primary laws of the various states are quite generally under attack for several reasons. The voters fail to participate very extensively and there is a consequent complaint regarding a large expense to poll a slight vote. The parties have lost practically all responsibility for the candidates chosen, at least open responsibility, and the way is opened for self-advertisers to capitalize the opportunity the primary offers. At any rate, it is practically impossible for the office to seek the man, and it is commonly reported that qualified candidates often will not attempt a primary campaign. At the same time in many states, especially in the east, the party leaders are practically in as complete control of nominations as ever, but at a much greater expense and without acknowledged responsibility. The best way to dignify party positions seems to be to give the incumbents a real influence recognized in the law and then employ machinery to hold them responsible for the manner in which they exercise that influence.

Under all plans for a modification of the direct primary ordinarily proposed, some second election must still be held, either to select delegates to a convention or to choose members of party committees. This means that the participation will usually be even slighter than it is at present when the voting is for candidates directly, and it means further, as almost everyone admits, that the voters who participate will be the "regulars."

The essential features of the above plan are the election of the party representatives at the general election by all the party members and the official responsibility placed upon those representatives for selecting, subject to a party referendum, the party candidates for public office. Its advantages are claimed to be (1) the participation of all the party voters in the selection of the candidates through the agency of the party representatives, (2) the elimination in many cases of the primary election which costs a large state probably $300,000, and (3) the responsible selection of party candidates by party representatives officially chosen for that purpose instead of by the dictation of a clique or a few leaders.

The occupation of the candidates for party representative should almost certainly be printed on the ballot. In large cities it is quite probable that many of these candidates would be office holders and the voters are entitled to know whether the party candidates are regularly the choice of the official group of "ins."

Each member of the party would vote for only one representative, but each party representative or committeeman could be given a vote in the designation of party candidates weighted according to the number of enrolled party members in his election district.

Each candidate for party representative who should receive, say 25 per cent of the vote cast for the office, could be considered elected. Since the choice is by election districts, it is possible in a close contest that the successful representatives, or a majority of them, would be chosen by a real minority of the party voters. The plan of considering each one elected who should receive 25 per cent of the vote, in combination with the plan of giving each representative a weight proportionate to the vote he had received, would make the selection of the party representative for the various electoral areas quite perfectly representative of the desires of the party voters.

If it should not be considered desirable to place the proposal of state candidates in the hands of a body two removes from the voters, as suggested above, it would be altogether possible to have the party representatives ballot in their respective assembly districts for this purpose and then canvass the votes.

The reason for allowing persons anywhere in the state to sign petitions for party representatives and for proposing candidates to the party representatives, and also for independently designating candidates for the primary, is to permit the development and recognition of party leadership. This will enable a group at little expense to take the party opinion on its leadership. For example, there could easily be a La Follette slate of party representatives and an opposing slate, say Lenroot's, or, in New York City, a Murphy slate and a Hines slate. The printing of the five petitioners' names on the ballot for party representative transforms the choice from what must often prove an insignificant, and unknown person, to the choice of an agent of a well-known party leader. The voter will be much less in the dark. He will be answering the question whether he wishes Boies Penrose or one of the Vares to propose to him later a slate of candidates for approval. Of course there is no guarantee that the real backers of a slate will make themselves known, but any backers who can count on popular support will do so. The danger will be that slate makers will put forward their agents under other sponsorship or endorsement. Only the usual means of publicity can prevent this, should it be attempted.

III. Objections to the Above Proposal and Defense of the Direct Primary

A number of the committee believe that the plan put forward above would prove harmful in practice and that it is wrong in theory.

Although the direct primary has not solved all our political difficulties (its wisest supporters have never claimed that it would) it has worked as satisfactorily as other features of our election system. The long ballot which still survives so generally makes the voter's task a complicated and heavy burden. The real difficulty is the apathy of the voter which is directly encouraged by the long ballot. Only by means of a properly shortened ballot can the voter be interested sufficiently to inform himself on the candidates and to exert a deliberate and intelligent choice of candidates. In view of the voters' indifference towards the final election the direct primary has worked very well. Under a short ballot it will work satisfactorily.

The practical operation of the scheme suggested would be very unfortunate. Only at rare intervals when a strong insurgent movement had developed would there be any primary at all. The whole idea of the scheme is to discourage independent political action. The relatively independent party members would have to accept the onus of the expense and trouble of a primary. This disadvantage would work to the advantage of the entrenched party machine. Under this system the direct primary would tend to disappear entirely.

The party representatives would surely be nominated by a clique, which means that the party candidates would be nominated by a clique. The party representatives would unquestionably be regulars of the regular. Nobody else would want the position, just as nobody but the regulars to-day seek obscure offices. Proper boss technique would require that these representatives be controlled and no stone would be left unturned to see that they were safe men from the point of view of the bosses.

Under the old convention scheme a responsible private citizen might find time to attend a single convention, but nobody but a professional politician would want to be a member of an unsalaried body which was responsible for all the nominations to be made.

The scheme is also objectionable because the men who are to make the nominations would be chosen long before the people were thinking about the election at which the nominations were to be voted upon. The party representatives would in the meantime be subject to all the pressure of direct bribery or indirect influence which made the old convention break down. Even the old convention system was better, because the delegates to the convention were elected shortly before their assembling and on the specific issues of the offices to be filled.

It is not a serious indictment against the present primary system that but few voters ordinarily participate. The important thing is that the law invites everybody to participate, that all candidates have theoretically an even chance, and that it is possible for a candidate to be nominated without being bound to a ring. A reform movement is comparatively easy to inaugurate, at which times there is a reasonably heavy vote.

The direct primary enables the party members to act directly without the mediation of agents. No modified convention system will improve on it.

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